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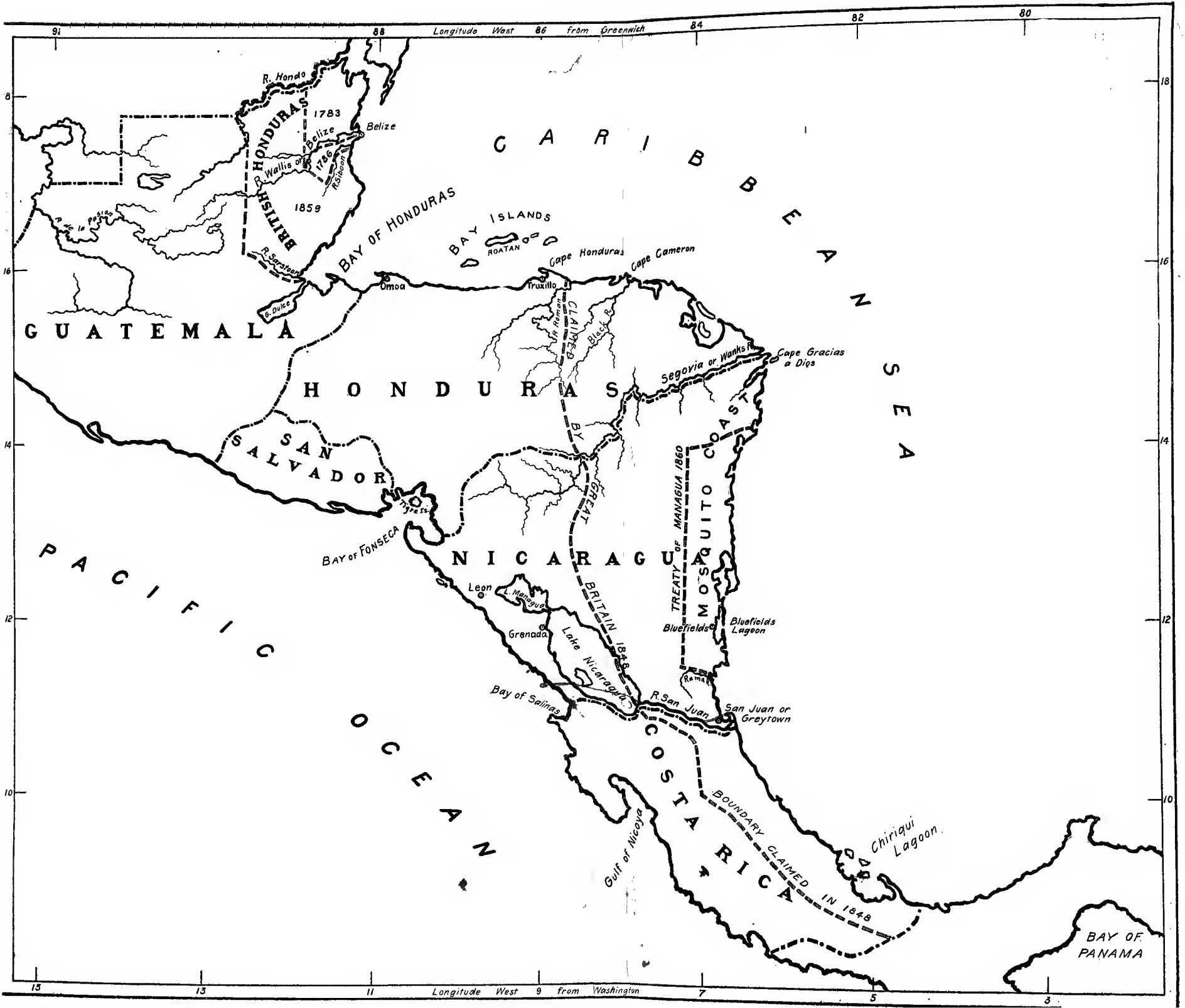

Longitude West 86 from Greenwich
Longitude West 9 from Washington
CARIBBEAN SEA
PACIFIC OCEAN
GUATEMALA
HONDURAS
SAN SALVADOR
NICARAGUA
COSTA RICA
BRITISH HONDURAS
R. Hondo
1783
Belize
R. Wallis or Belize
1786
R. Sibun
1859
R. de la Pasion
R. Sarstoon
G. Dulce
BAY OF HONDURAS
BAY ISLANDS
ROATAN
Cape Honduras
Cape Cameron
Omoa
Truxillo
R. Roman
CLAIMED BY GREAT BRITAIN 1848
Black R.
Segovia or Wanks R.
Cape Gracias a Dios
MOSQUITO COAST
TREATY OF MANAGUA 1860
Bluefields
Bluefields Lagoon
Ramas
R. San Juan
San Juan or Greytown
BAY OF FONSECA
Tigre Is.
Leon
L. Managua
Grenada
Lake Nicaragua
Bay of Salinas
Gulf of Nicoya
BOUNDARY CLAIMED IN 1848
Chiriqui Lagoon
BAY OF PANAMA

PUBLICATIONS

OF THE

MICHIGAN POLITICAL SCIENCE ASSOCIATION.

THE HISTORY

OF THE

CLAYTON-BULWER TREATY.

BY

IRA DUDLEY TRAVIS, PH. D.

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PREFACE.

Half a century has elapsed since the conclusion of the Clayton-Bulwer treaty. Throughout that period it has been denounced, both in and out of Congress, as contrary to the time-honored policy of the United States, and a gross betrayal of American interests. So intense has been the feeling against that instrument that its abrogation has often been urged, and is now eagerly demanded by a considerable portion of the American people. Moreover, it has been the subject of prolonged discussion between the Governments of Great Britain and the United States. On more than one occasion the conflicting constructions placed upon it have jeopardised the peace of the two countries. Nor is it improbable that its provisions will again lead to discussion and perhaps misunderstanding between them. Yet notwithstanding these facts the treaty of 1850 has thus far received little attention from historians.

The present work is the result of an attempt to trace the history of this hitherto neglected subject. The greater part of it was prepared as a dissertation for the degree of Doctor of Philosophy at the University of Michigan.

I desire to express my thanks to Professor Andrew McLaughlin of that Institution, who has placed me under very great obligation for many valuable suggestions concerning the preparation of this work and also for assistance in procuring material.

IRA DUDLEY TRAVIS.

Salt Lake City, Utah, December, 1899.

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BRITISH CLAIMS.

CHAPTER I.

It is the purpose of this work to give the history of the Clayton-Bulwer treaty. But the anomalous conditions which led to the conclusion of that instrument were the result of forces that had long been in operation. Thus the convention of 1850 is an historical product, and, like every product of that nature, is to be understood only in the light of the causes which brought it forth. For that reason it has been deemed advisable to note the character and trace the operation of the forces which led to the conclusion of that instrument. Among the more potent of these were the desire of the United States for a ship-canal across the isthmus, the mutual jealousy of England and the United States, and the pretentions of Great Britain to dominion in Central America. The last was the outgrowth of British and Spanish rivalry for dominion in Central America, while the other two were the results of the recent territorial acquisitions by the United States and the rivalry between her and Great Britain for commercial and political supremancy on this continent. As these influences and interests were the potent factors in producing the Clayton-Bulwer treaty, they necessarily determined the character of that instrument. Hence some knowledge of them is essential to an understanding of the convention and its history.

With a view to supplying the material for such knowledge the first two chapters are devoted to an account of the origin and development of British claims in Central

America, and the relations subsisting between Great Britain and the United States. To this is added a description of the condition of affairs in the United States and Central America at the time the treaty was negotiated. This portion of the work necessarily includes an historical sketch of all those parts of Central America where Great Britain then either claimed or exercised dominion; a consideration of the domestic affairs of the United States and their effect upon her relations with foreign powers; an examination of the prevailing conditions in Central America, and the relations of Great Britain and the United States with that country. Thus the way is prepared for the history of the treaty proper. That opens with a chapter devoted to the negotiation of the convention and is followed by a critical discussion of the controversies to which it gave rise. The remainder of the work is given up to an account of the methods of settlement that were proposed or tried; a sketch of the treaty's history from 1860 to the present time and, finally, a critical discussion of the more important questions to which the Treaty of 1850 has given rise.

The Bay Islands were discovered, in 1502, by Columbus who took formal possession of them in behalf of Spain.* The Spanish slave hunters soon followed and swept away the large native population.† Then, owing

*States of Central America by E. G. Squier, p. 603. Hist. of Guatemala by Don Domingo Jaurros, p. 318.

NOTE 1.—There seems to be some reason for believing that these islands and the adjacent portions of Central America were visited by Europeans some years previous to this voyage of Columbus. See Fiske's Discovery of America, II, pp. 52-55.

NOTE 2.—Mr. E, G. Squier whose works are frequently quoted in these pages was a writer of distinction on matters relating to Central America, where he spent many years. As U. S. Charge d'Affaires he had great facilities for collecting material on the history of Central America. This material he used with marked ability, though there is reason to believe that he was not entirely impartial regarding questions involving the interests of his own country. See H. H. Bancroft's Hist. of Cent. Am., III, pp. 262 & 263. Also Stout's Nicaragua, p. 142. Dublin Rev. XLII, p. 359.

†Jaurros' Hist. of Guat., 318. Squier's States of Cent. Am. 604. Gospel in Cent. Am. by Frederic Crowe, p. 184.

to the absence of the precious metals, the Spaniards turned their attention to more promising fields. In their neglected and desolate state the islands remained till near the middle of the seventeenth century, when they were occupied by the buccaneers, under the leadership of an Englishman.* The depredations of the freebooters upon the neighboring coasts, soon became so annoying that a Spanish expedition was sent against them in 1650. The pirates were dislodged and the islands again brought under the control of the Spanish authorities.†

But instead of trying to effect permanent settlements there the Spaniads removed the natives to the mainland and left the islands unoccupied.‡ In this condition they remained till 1742, when they were seized and fortified by the English, who were then at war with Spain.§ From that time till the close of the eighteenth century, the Bay Islands were a bone of contention between England and Spain; first one power and then the other held possession of them. At length, in 1796, the Spanish authorities succeeded in dislodging the English.‖ Thence forward till the independence of her Central American Colonies, the Bay Islands remained in the undisputed possession of Spain. Yet the Spaniards did nothing to develope the resources of the territory or render their title to it more secure. Only a small military guard was maintained there, as a symbol of authority.¶ When the Spanish Colonies became independent, the Bay Islands

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*Jaurros' Hist. of Guat. 58. Bancroft's Hist. of Cent. Am. II, p. 647. Crowe's Gospel in Cent. Am., p. 184.

†Jaurros' Hist. of Guat., p. 321. Bancroft's Hist. of Cent. Am., II, p. 648. Squier's States of Cent. Am., p. 615.

‡Squier's States of Cent Am., p. 615. Crowe's Gospel in Cent. Am., pp. 186 & 198. Jaurros' History of Guat. p. 58.

§Lucas' Historical Geograpy of the British Colonies, II, p. 299. Dem. Rev. XXXI, p. 546. Bancroft's Hist. of Cent. Am., II, 648.

‖Squier's States of Cent. Am., p. 618. The British Settlement of Honduras by Capt. Geo. Henderson, p. 204.

¶ Ibid., p. 204.

passed under the control of the Central American Republic as a part of the province of Honduras. In 1830 they were seized by an English force from Belize,* a British dependency on the Bay of Honduras. This act, however, was disavowed by the Government of Great Britain and the islands restored to the Republic.† But the English authorities at Belize still coveted the islands and only awaited a suitable opportunity for taking possession of them again. A pretext for this was not long delayed. In 1838, a party of liberated slaves from the British West Indies, settled on Roatan, the most important member of the group. Some of the negroes refused to conform to the laws of Honduras and appealed to the Superintendent of Belize for assistance in their opposition to the government of the Republic.‡ In compliance with this request, the Superintendent took forcible possession of the island.§ The British Government soon afterward assumed all responsibility for this act and refused to restore Roatan to the Republic.‖

After this the negroes, from the West Indies, continued to settle there, till the island was pretty well inhabited by the blacks. At first they had no government; but circumstances soon compelled them to establish a rude one, which answered their purpose for a number of years.¶ Meanwhile Honduras repeatedly remonstrated against this invasion of her territorial rights. But the English authorities of Belize ignored her protests and eagerly watched for an opportunity to establish closer

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*Bancroft's Hist. of Cent. Am., III, p. 319-note. Crowe's Gospel in Cent. Am., p. 212. Squier's Notes on Cent. Am., 373.

†Crowe's Gospel in Cent. Am., p. 212. Travels in Cent. Am. by R. G. Dunlap, p. 180. Squier's States of Cent. Am., p. 619.

‡Ibid., p. 620.

§Ibid., p. 621. Narrative of a Residence on the Mosquito Coast by Thomas Young, p. 147.

‖Dem. Rev., XXXI, p. 548. Squier's States of Cent. Am., p. 621.

¶Ibid., p. 622.

relations with Roatan. However, it was not till 1849 that they were able to accomplish their purpose. By that time, some of the inhabitants of the island had become so dissatisfied with their local government that they requested the Superintendent of Belize, to establish a more complete and elaborate system there.* His attempt to do this led to a dispute between the authorities of Belize and the inhabitants of Roatan. This resulted in the formal occupation of the islands in August of the following year, when they were declared to be an appendage of the British Crown.† These proceedings called forth a vigorous protest in the name of Honduras but no attention was paid to it.‡ The British continued their occupation and, on March 17, 1852, by Royal Warrant, Roatan and the neighboring islands were made the British "Colony of the Bay Islands."§ This step was taken more than two years after the conclusion of the Clayton-Bulwer treaty, which stipulated that neither Great Britain nor the United States should ever occupy or colonize any part of Central America. For that reason the colonization of the Bay Islands was looked upon in the United States as a flagrant violation of that convention. On the other hand, Great Britain stoutly defended her action. The result was a spirited controversy between two governments which will claim attention at a later time.

More or less closely connected with the Bay Islands was Balize, a British dependency lying on the border of Honduras Bay. Originally this dependency was simply

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*Dem. Rev., XXXI, p. 549. Squlers States of Cent. Am., p. 622.

†Ibid., p. 624. Young's Narrative, p. 147. Bancroft's Hist. of Cent. Am., III, p. 320.

‡Ibid., III, p. 320. Dem. Rev., XXXI, p. 549.

§Hertslet's Commercial and Slave Trade Treaties, X, p. 806. British Accounts and Papers, for 1856, XLIV, No. 141.

a piratical station established during the flourishing period of freebooting in the West Indies.* Many things combined to make it a favorite rendezvous of the pirates. Owing to the unattractive features of the country in the vicinity the Spaniards had neglected to settle it, and the dangers of its reef-bound coast made it difficult of access from the sea. Moreover, it was but a short distance from some very important lines of sea-borne commerce. For these and similar reasons, Belize long continued to be an attractive resort for the freebooters. There in the seclusion of the primeval forest and the security of their unknown retreat, they planned their lawless raids.† Thence they sallied forth to pounce upon the richly laden galleons of Spain. Thither the red-handed pirates returned to celebrate their bloody deeds in drunken revel and midnight orgy. Such, in brief, is the story of Belize in the early days of its existence.

But in the course of time a change came over Belize. Spain's monopoly over the New World began to fail. Her galleons became less numerous and were freighted with less valuable cargoes.‡ The merchantmen of other nations frequented the West Indian seas and visited the Spanish Main. With the decline of her exclusive monopoly in America disappeared the motive of Spain's rivals for conniving at the depredations of the freebooters upon her commerce.§ Moreover as the commerce of Spain decreased, under the relentless assaults of the buccaneers, her rivals, in turn, suffered from the exploits of the sea-rovers. Therefore, near the close of the seven-

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*Bancroft's Hist. of Cent. Am., II, p. 624. British Honduras by A. R. Gibbs, pp. 21-23. Nicaragua, Past, Present and Future by Peter F. Stout, p. 258. Squier's, States of Cent. Am., p. 575.

†Gibbs' British Honduras, pp. 21-22, Squier's Notes on Cent. Am., p. 370.

‡Gibbs' Brit. Hon., p. 24.

§English in the West Indies, by J. A. Froude, p. 29.

teenth century, the leading maritime powers of Europe found it to their interest to restrain the buccaneers.*

Having been outlawed by the very nations they had formerly served, the sea-rovers found it necessary to adopt some occupation that was less objectionable to the sentiment of the time. Through their connection with Central America and Yucatan the freebooters had long since become familiar with the wood-cutting industry, and acquired some knowledge of the art of contraband trade. Even before the final suppression of freebooting, the buccaneers often resorted to wood-cutting and smuggling in order to supplement the diminishing returns of their piratical expeditions. Therefore, they naturally took up these lines of work when it became unsafe for them to

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* Gibbs' Brit. Hon., p. 22. History of the Buccaneers of America by Capt. James Burney, pp. 58 & 375.

NOTE.—As early as October 1670, Sir Thomas Modyfod, Governor of Jamaica, used the following language in a letter to Lord Arlington, respecting Belize and the trade in logwood: "There are about a dozen vessels engaged in this trade and make a great profit selling wood at twenty-five to thirty pounds per ton; they were privateers but will not leave the trade again. They go to places inhabited by the Indians or void and trespass not upon the Spaniards, and if encouraged the whole logwood trade will be English." He then goes on to say that two-thirds of the privateers, as he calls them, will betake themselves to this trade as soon as there is peace with Spain and urges the importance of cultivating closer relations with them in order that their assistance might be readily obtained, in case of any future rupture with Spain. See Calendar of State Papers for Colonial America and the West Indies. 1669-74, p. 121.

In 1671, according to Gibbs, Sir Thomas Lynch, then Governor of Jamaica, wrote to King Charles II regarding the British settlement of Honduras that it "increased His Majesty's customs and national commerce more than any of His Majesty's colonies. A statement, as the author remarks, not founded on statistical information, but as the report was called for by the "Lords in Council" it proves that the settlement had thus early attracted official notice. (See Gibbs' British Honduras, p. 23.) A still further proof that the British Government had become interested in the logwood trade is afforded by the correspondence, of 1672, between Lord Arlington and Sir William Godolphin, the English Minister at Madrid, in which the former asks the opinion of the latter respecting the cutting of logwood in those parts of the Indies not possessed by the Spaniards. In reply Godolphin stated that the wood which "some English" cut "on the pretense that the parts where they take (took) the same are (were) not inhabited or possessed by the Spaniards, is (was) brought from Jacatan a large province of New Spain." He further states that, in his opinion, the Spaniards would have as good grounds for making use of "our rivers, mountains and other commons for not being inhabited .... as we have to any benefit of these woods." Quite lengthy excerpts, from this letter of Godolphin's, are given by Mr. Abbot Lawrence in his account of the British claims in Central America. See Sen. Ex. Doc. 27, 2nd sess. of 32nd Cong., pp. 73-98. The letter is given on p. 81.

longer follow their favorite pursuits.* But the change of occupation did not necessitate the abandonment of Belize, and it soon became the center of an important trade in dye-woods and contraband goods.† By the middle of the eighteenth century this traffic had become sufficiently important to attract the attention and enlist the support of the British Government.‡

Meanwhile, Spain had not been ignorant of, nor indifferent to, the existence of the British establishment at Belize. As it grew in importance the Spanish authorities became more and more anxious for its over-throw. From time to time the Spaniards made futile attempts to dislodge the settlers.§ The only important result of these attacks was to embitter the relations of the two nationalities not only in that quarter, but also in other parts of Central America. The hostility thus engendered was an important factor in plunging the two nations into war on more than one occassion in the course of the eighteenth century; yet prior to the Seven Years' War there was no material alteration in the status of Belize. It continued to be a settlement within the dominions of Spain upheld by the prowess of the woodmen, and the connivance of the British Government.

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*NOTE.—Dampier, a noted buccancer, who was on the coast of Yucatan toward the close of the seventeenth century, gives an interesting account of the way in which the English pirates first learned the value of logwood. According to him, the pirates were long accustomed to destroy the Spanish wood-ships after robbing them of their specie. At length, a buccaneer found it expedient to take one of his prizes with its cargo of logwood into London. There, much to his surprise, he found that the logwood was worth a hundred pounds per ton. This soon became kuown to the English buccaneers of the West Indies, who immediately began to seserch for the wood-ships of the Spaniards. When these began to fail, the buccaneers turned their attention to the wood-cutting districts, where they obtained cargoes by robbing the Spanish woodmen when they could, and by cutting timber when other sources failed them. In this way they became familiar with the localities where there was a plentiful suppy of wood and were prepared to make permanent establishments when it became necessary for them to give up buccaneering. See Dampier, A New Voyage Around the World, II, Pt. 2, p. 47. Also Chief Justice Temple, in the Journal of the Society of Arts, V. p. 117.

†Handbook of British Honduras, for 1888-9, p. 23. A New Voyage Around the World, II, Pt. 2, p. 53. Gibbs' Brit. Honduras, p. 22. Bancroft's Hist. of Cent. Am., II, p. 623.

‡Ibid., II, p. 628. Gibbs' Brit. Honduras, p. 28.

§Squier's States of Cent. Am., 576.

One result of the Seven Years' War was to change the standing of the woodmen of Belize. They were no longer to be looked upon as mere trespassers. By the terms of the treaty of peace, the English secured the right to cut logwood in the vicinity of the Bay of Honduras. On the other hand, Spain obtained a clear recognition of her sovereighty over that region.* Thus by 1763, it was definitely settled that Spain was the recognized owner of the territory in that part of the American continent, and that the English were to enjoy the right of cutting and exporting a single kind of dye-wood. This arrangement, however, did not produce a good understanding in that region, between the two nationalities. The wood-cutters, having gained the recognition and support of Great Britain, took a more defiant attitude toward Spain. Their operations as well as those of the smugglers assumed larger proportions.† This was most exasperating to the Spaniards, who eagerly seized the opportunity afforded by the outbreak of war with England, in 1779, for a decent upon the settlement at Belize. The result was the capture and destruction of the establishment.‡

Until 1783, Belize remained desolate and deserted. But upon the restoration of peace in that year the English were allowed to return and resume the occupation of wood-cutting. Under the terms of the treaty of peace, however, their operations were restricted to a small tract of country with clearly defined limits. It was also plainly stipulated that nothing in this arrangement should be construed as derogating from the sover-

† Treaty of Paris, signed Feb. 10, 1763, Art. XVII. Hertslet's Commercial and Slave-Trade Treaties, Vol. II, p. 235.

‡ Bancroft's Hist. of Cent. Am., II, p. 630. Dunn's Hist. of Cent. Am., p. 208.

§ Squier's States of Cent. Am., p. 578. Crowe's Gospel in Cent. Am., p. 191. Journal of the Society of Arts, V., p. 117.

eign rights of Spain in that region. The treaty was equally explicit in regulating the affairs of the two powers in other parts of Central America.* But despite the carefully prepared provisions of that instrument, differences almost immediately arose concerning its execution. These differences soon became so great as to threaten the peaceful relations of the two governments. In 1786, a supplementary convention was concluded between them for the purpose of removing the causes of misunderstanding.† By the terms of that instrument the territory set apart for the English wood-cutters was extended so as to include the region lying between the Belize and Sibun rivers. The English also secured more privileges than they enjoyed under the former treaty. On the other hand, they were not allowed to establish any works of a permanent character, including plantations and fortifications. Neither were they at liberty to set up any civil or military government there.‡ Finally, the convention of 1786 explicitly acknowledged the Crown of Spain as the Sovereign of the territory occupied by the English woodcutters.§

In order to insure the faithful observance of these stipulations, the convention provided that a Spanish commissioner should make a semi-annual visit to Belize. ‖ But even the regular appearance of this officer did not prevent the violation of the treaty provisions. The woodmen showed but little respect for the restrictions imposed by the convention and the commissioner frequently found it necessary to use energetic measures to

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* Definitive Treaty of Peace, signed at Versailles Sept. 3, 1783, Art. VI.

† Squier's States of Cent. Am., p. 580. Bancroft's Hist. of Cent. Am., II, p. 633.

‡ Convention between Great Britain and Spain, signed at London July 14, 1786, Arts. II & V.

§ Ibid., Art. III.

‖ Ibid., Art. IV.

restrain the settlers from extending their operations beyond the prescribed limits.* This caused much ill-feeling and upon the outbreak of war in 1796, the Spaniards made preparations for dislodging the wood-cutters. A strong force was sent against Belize in 1798; but the settlers, aided by a British ship-of-war, succeeded in beating off the Spaniards after a two days conflict.‡ This was the last organized attempt of the Spaniards to expell the English from Belize.†

The result of this repulse was to leave the English in undisputed possession of Belize during the remainder of the war and the short interval of peace that followed. This circumstance is worthy of note since English statesmen and writers, of more recent times, have generally held that the defeat of the Spaniards, in 1798, constituted a conquest of that region.§ Upon this foundation they base the British title to Belize or British Honduras. In view of this fact it may be well to examine their claims in the light of subsequent events. At the outset it is to be borne in mind that it may well be doubted whether the Spanish defeat of 1798, did, in fact, constitute a conquest of Belize. But granting that it did, that is no justification for the claim that Great Britain is the rightful sovereign of that region. A brief examination of the case will establish that fact. Four years after the so-called conquest of Belize, Great Britain entered into a solemn treaty engagement with Spain to restore, with a single exception, all the territories which she had either conquered or occupied in the course of the war.‖ As

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* Bancroft's Hist. of Cent. Am., II, pp. 634 & 635.

† Ibid., II, p. 635. Crowe's Gospel in Cent. Am., pp. 196 & 197. Gibbs' Brit. Honduras pp. 53-57.

‡ Ibid., p. 57. Bancroft's Hist. of Cent. Am., II, p. 635.

§ Lawrence, Essays on International Law, pp. 113 & 114. Lord Granville in reply to Mr. Frelinghuysen Sen. Ex. Doc., No. 26, 1st Sess., 48 Cong., p. 6. Gibbs Brit. Honduras, p. 57.

‖ Definitive treaty of Peace, signed at Amiens, Mar. 25, 1802, Art. III.

Belize was not excepted it follows that this territory was legally restored to the Crown of Spain. England thereby lost all title to it. True Spain did not resume actual control of it during the short interval of peace that followed the treaty of Amiens; but that cannot justly be construed as a forfeiture of her ownership, or an acknowledgement of British sovereignty. The critical and unsettled state of her affairs at that time, made it impossible for Spain to give any particular attention to the small and comparatively insignificant territory of Belize. Ere the necessary arrangements could be made for the resumption of her rightful authority in that region, Spain again became involved in war with Great Britain. This continued till 1809, when the two countries formed an offensive alliance against Napoleon.* At that time it was agreed that there should be an oblivion of all acts of hostility committed during the war just ended.† Thus in 1809 the positions of the two powers respecting Belize were the same as at the peace of Amiens. That is, Spain was the acknowledged sovereign of Belize though it was occupied by the English. But before the contest with Napoleon had been fairly brought to a close, Great Britain entered into treaty engagements with Spain renewing and affirming the treaties of 1783 and 1786, thus recognizing the right of Spain to the sovereignty of Belize.‡ Again in

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* Treaty of Alliance, signed at London. Jan. 14, 1809. See Annual Register, Vol. 51, p. 679.

† Ibid., 679.

‡ Hertslet's Commercial and Slave Trade Treaties, II, p. 245-note; XII, (Index) p. 33-note. XVI, p. 112-note.

NOTE.—Many English writers in defending the action of the British Government respecting the extension of Belize and its subsequent colonization, contend that the war of 1796 put an end to the convention of 1786 and deny that it was ever renewed by any subsequent treaty. In view of that fact it is interesting to note the additional article to the treaty July 5, 1814, between Great Britain and Spain, which is as follows:—"It is agreed that .... Great Britain shall be admitted to trade with Spain upon the same conditions as those which existed previously to the year 1786. All the Treaties of Commerce which at that period subsisted between the two nations, being hereby ratified and confirmed." This language would seem to place the fact of renewal beyond all question unless it can be maintained as Prof. T. J. Lawrence seems to imply, that it required a treaty of political nature

1817 and 1819, the British Parliament passed acts relating to Belize in which it was described as a settlement for certain purposes but not within the dominions of the British Crown.* Two years after the last of these acts was passed, the Spanish authorities of Guatemala appointed a commissioner to visit Belize regularly and enforce the rights of the Crown, as provided in the treaty of 1786.† Finally in 1826, Great Britain in her first treaty with Mexico stipulated that the English of Belize or British Honduras, should not be disturbed in the enjoyment of the rights and privileges secured to them by the treaty of 1786 with Spain.‡ Other evidence of a similar character and tenor might be produced, but enough has been given to show that, for more than a quarter of a century after the so-called conquest of 1798, Belize was looked upon by both Great Britain and Spain as belonging to the latter.

But no matter what the views of the two governments were regarding the rightful ownership of Belize, the English settlers left without any restraint, continued to occupy more land. They founded plantations and other works of a permanent character. Assisted by the British authorities they gradually built up a government which contained the germs of civil and religious liberty.§ Such

to renew the convention of 1786. But without entering into an examination of that question at this time, it is of importance to note that Lewis Hertslet, the compilator of the Commercial and Slave Trade Treatles, classifies the convention of 1786 as a commercial treaty and distinctly states that it was confirmed by the first additional article to the treaty of July 5, 1814. See Hertslet's as above.

* English Statues at Large, 57 Geo. III, Cap. 53; 59 Geo. III, Cap. 94.

† NOTE.—The truth of this statement is shown by the fact that the Spanish authorities frequently remonstrated against the encroachments of the English upon the territory of Guatemala. But more conclusive evidence is afforded by their replacing, as late as 1817, the boundary marks between Guatemala and Belize as fixed by the treatles of 1783 and 1786. And as late as 1821, the Governor General of Guatemala sent a commissioner to Belize to insist upon the observance of those treatles. See letter of Juan Galindo to Secretary of State Forsyth, June 10, 1835. Copy found in Sen. Ex. Doc. 27, 2nd Sess. of 32nd Cong., pp. 8 and 10.

‡ Treaty of Amity, Commerce and Navigation between Great Britain and Mexico, signed at London, Dec. 26, 1826. Bancroft's, Hist. of Cent. Am., III, p. 314 and note 22.

§ Ibid., p. 315. Handbook of Brit. Hond. 1888-89, p. 29.

was the state of affairs at Belize when the successful revolt of the Spanish Colonies vested whatever rights the mother country possessed in the states that were built upon the ruins of her American Empire. But the independence of Spanish America was no bar to the encroachments of the English settlers at Belize. Indeed, the unfortunate condition of that country for many years after the Spanish yoke was thrown off, was most conducive to foreign aggression. The feeble states distracted with internal discord and civil war, were unable to offer effectual resistance to the aggressions of the English; yet they persistently asserted their right to the territory in question. Nor was their claim openly disputed by the British Government till many years after the Central Americans had established their independence. Even the settlers at Belize did not look upon Great Britain as possessed of full sovereignty in the territory they occupied.* During a period covering many years, they repeatedly petitioned the home Government to assume full sovereignty over that region, alleging that such action was essential for the acquisition of perfect titles to their lands, and the enjoyment of the same commercial advantages as the British West Indian Colonies. It was not till after 1841 that these petitions were discontinued.† Thus it is evident that till well toward the middle of the present century the inhabitants of Belize themselves did not look upon Great Britain as possessed of sovereign rights in that territory.

By 1830, the Republic of Central America had become established and a measurable degree of tranquility secured. The Government of the Republic then began to give some attention to Belize. In attempting to enforce its rights there, it encountered the stubborn opposi-

* † Crowe's Gospel in Cent. Am., p. 206. Gibbs' Brit. Honduras, pp. 94-97.

tion of the authorities and inhabitants. Unable to maintain its rights by force, the Republic had no alternative but submission or an appeal to the more powerful nations to intercede in its behalf. Choosing the latter course, it naturally turned first to the United States. That Government, however, ignored its appeals.* Therefore, the English remained in undisturbed possession of the territory they had thus far occupied. Up to that time, the British Government had not openly proclaimed its rights to sovereignty in this region. But the action of the Republic together with the evident indifference of other nations encouraged the Government of Great Britain to take a bolder stand.† By 1836, the new policy was definitely adopted and a letter from the Foreign Office openly announced that the Crown claimed a tract of country, on the western coast of Honduras Bay, many times larger than that originally set apart for the English woodcutters.‡ In this manner the British Government assumed the responsibility for the acts of its subjects in Belize and declared its right to the territory they had occupied. When that announcement was made, the Central American Republic was hastening toward its downfall

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*Sen. Ex. Doc. 27, 2nd sess. of 32nd Cong. pp. 3-12.

†Ibid., pp. 3-10.

‡Downing St., Nov. 8, 1836.

Sir:—I am directed by the Sec. of State to acknowledge the receipt of your letter of the 17th instant, inquiring, on behalf of the Eastern Coast of Central America Company, "what are the boundaries claimed by Her Majesty's Government for British Honduras or Belize." And I am to aquaint you in answer, that the territory claimed by the British Crown, as belonging to the British settlement in the Bay of Honduras, extends from the River Hondo on the North to the River Saratoon on the South, and as far West as Garbutt's Falls on the River Belize, and a line parallel to strike on the River Hondo on the North and the River Sarstoon on the South. The British Crown claims also the waters, islands and cays lying between the coast defined and the meridian of the easternmost point of Light-house Reef.

I am, at the same time, to warn you that the greater part of the territory in question has never been the subject of actual survey, and the parties who should assume the topography of the remoter tracts, and especially the course of the rivers, upon the authority of maps, would in all probability be led into error.

I have etc.,
GEO. GREY.

Letter of Sir Geo. Grey is found in British Aecounts and Papers for 1856, XLIV, No. 391.

which occured in 1838.* With that unfortunate event disappeared the last hope of any effective opposition to the pretensions of the British.

Encouraged by the enfeebled state of Central America and the bolder attitude of Great Britain, the inhabitants of Belize petitioned for the establishment of a full colonial government.† Great Britain, however, did not at once comply with their request; yet she inaugurated a course of action which resulted in the establishment of a colonial government there in 1862.‡

Such, in brief, is the story of Belize. "It began," to quote a British author, with private adventurers, who held their own in spite of a strong foreign power and whose success practically obliged their own government to afford them some measure of recognition and protection . . . . The Wood-cutters and settlers in early times were closely connected with the buccaneers, and here as elsewhere these unlicensed freebooters largely helped on the building up of the British Empire in the West Indies."§ But both the wood-cutters and Buccaneers were connected with Jamaica and through it they were able to secure support and, finally, the adoption of the settlement by the British Government.‖ Thus by a gradual process of development the colony was slowly evolved form a piratical settlement. ¶ This immense transformation was not accomplished without the lapse of a long period of time during which the British, ever watchful for an opportunity to extend their influence, were zealously pursuing an aggressive course against a decaying power whose narrow and unprogressive policy

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* Bancroft's Hist. of Cent. Am., III, p. 138.
† Crowe's Gospel in Cent. Am., p. 206. Gibbs' Brit. Honduras, p. 97.
‡ Gibbs' Brit. Hond., p. 134
§ Lucas' Hist. Geog. of Brit. Colonies, II, p. 317.
‖ Ibid., II, p. 317. Ante p.
¶ Bancroft's Hist. of Cent. Am., II, p. 624.

had sapped the foundations of its former greatness. Though the British dominion in British Honduras was acquired in contravention of the most solemn treaty engagements, it must be admitted that the career of Great Britain at this point has been conducive to the interests of humanity and the progress of civilization. If the English or some other people more energetic and progressive than the Spanish had not established themselves on the coast of Yucatan, it is more than likely that it would have been left to the savage natives, and remained in its primitive condition. But under the British, some effort has been made to develop the resources of the country, and, a "qualified civilization" has been introduced.

The term Mosquito Shore, or Coast, is one of remote and uncertain origin. At different times it has been applied to quite distinct portions of the northern and eastern coasts of Central America, but for a century or more it has been used to designate the eastern coast of Nicaragua and Honduras, and a portion extending some distance to the westward of Cape Gracias a' Dios. This region was visited by Columbus soon after he touched at the Bay Islands in 1502.* He landed at various points along the coast and took formal possession of the country for Spain. Less than ten years after that event the Crown granted this whole region to Diego Nicuessa, for purposes of colonization.† Misfortune attended this enterprise from the first, and it soon ended in failure. The Crown then authorized other parties to settle this territory. By 1530, feeble colonies had been established along the coast but they did not prosper and were finally

*Squier's States of Cent. Am., p. 630. Bancroft's Hist. of Cent. Am., I, pp. 11 & 212. II, p. 595.

†Ibid., I., pp. 294-5. II p. 598.

abandoned.* But the Government of Spain did not despair of ultimate success in colonizing that part of Central America. During the sixteenth century repeated attempts were made for that purpose, yet the dawn of the seventeenth century found no Spanish settlements on the Mosquito Shore. Nor were the heroic efforts of the missionaries more successful. The natives either rejected their teachings altogether, or soon renounced them for their own savage rites.‡ Still the contact of the Spaniards with the Indians of the Mosquito Shore was not devoid of result. The domineering spirit of the Spaniard together with the cruel and perfidious conduct of the slave-hunter, had planted in the breast of the Mosqito Indian the enduring hatred for the Spanish race which he still retains.‡ The enmity which the Mosquito bore the Spaniard was an important factor in determining the subsequent history of the Coast.

During the seventeenth and eighteenth centuries neither the Government nor the people of Spain paid much attention to the Mosquito Shore. Doubtless the fierce and warlike character of the natives was an important factor in determining their attitude. It is not probable, however, as some writers have claimed, that the Spanish neglect of the country was due to their inability to subdue the Indians. More likely the situation was correctly described by an English writer of the eighteenth century when he said that "if the Spaniards

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*Squier's States of Cent. Am., p. 631. Sen. Ex. Doc. No. 27, 2nd Sess., 32nd Cong., p. 78.

NOTE.—This document contains the correspondence relative to Central America and the claims of Great Britain to the Mosquito Coast, which was laid before the Senate in January 1853. Among other things is a brief summary of the historical investigation of those claims which was made by Mr. Abbott Lawence who was the American Minister to England when the Clayton-Bulwer treaty was negotiated. See Sen. Ex. Doc. 27, 2nd Sess., 32nd Cong., p. 73.

†Squier's States of Cent. Am., 631.

‡Churchill's Voyages, 3rd edition, vol. VI, p. 309. Spanish America by R. H. Bonnycastle, Vol. I., p. 171.

had regarded the country as worth the having they would have occupied it long before."* Unquestionably the unattractive features of the country, and especially the absence of gold and silver, made the Spaniards indifferent to this region.† Their neglect produced some very important results. It was favorable to foreign intervention in the affairs of the country, and gave color to the oft-repeated assertion of recent times that the Spaniards were unable to subdue the Mosquitos and, therefore, abandoned the Coast. From this was easily deduced the theory of Mosquito sovereignty and independence, which, in turn, became the justification for British interference in the affairs of Mosquito.‡ That intervention led to a long series of international controversies which have more than once threatened the peaceful relations of widely separated countries, including the United States and Great Britain. For that reason a brief consideration of the matter in this connection may not be devoid of interest.

As already indicated the country was discovered by Columbus while in the service of the Spanish Crown and formally occupied in the name of his sovereign. In that way Spain acquired a valid title to the whole region.§ For more than a hundred years thereafter, the Spanish Government was engaged in schemes for promoting the colonization of the Mosquito Shore. True these all ended in failure; but Spain was not the only nation of the sixteenth century that met with disappointment in the planting of colonies. It was the common experience of all European powers that attempted to found permanent

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*British Empire in America by John Oldmixon, II, p. 366.

†Squier's States of Cent. Am., p. 630.

‡House Ex. Doc. 75. 1st Sess., 31st Cong., pp. 181 & 184.

§Wharton's Digest, Vol. I, p. 3. II, pp. 534 & 535. Wheaton's International Law, Eighth Edition, p. 241.

settlements in the New World. Yet none of them looked upon the failure of their colonies as working a forfeiture of their title to the territory in which they were planted. Moreover it was the common practice of European nations of that time to leave the native tribes in undisturbed possession of the soil so long as it was not desired for settlement or some similar purpose. Neither was the inability of a nation to subdue the natives of its territorial possessions regarded as a forfeiture of its title, much less a proof of tribal sovereignty or independence. Therefore, according to the customs and usages of the colonizing powers, even if Spain was unable to conquer the Indians she did not thereby lose her title to the Mosquito Coast.* But it has not yet been proven that Spain was unable to subdue the Mosquitos. True she was unsuccessful in her efforts to found permanent settlements in that region but that fact alone is not enough to justify the assertion that she was unable to conquer the natives. When it is recollected with what rapidity she overran vast tracts of the American Continent and the complete subjection she imposed upon numerous and powerful nations, it is incredible that she was unable to subdue the weak and degraded Mosquito tribes. Moreover, her failure to colonize the Mosquito Shore does not prove her inferior to other nations of the time, as a colonizing power. It is quite probable that Spain was as successful in colonizing that part of Central America as any other nation of that time would have been. It must be concluded, therefore, that, notwithstanding her apparent neglect of Mosquito territory, her claim to sovereignty over it was valid.

However, there can be no question that the failure of Spain to found permanent settlements on the Mosquito

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*Wharton's Digest II, 534 & 535. Sen. Ex. Doc. 27, 2nd Sess., 32nd Cong. pp. 22-26.

Shore facilitated the establishment of rival claims to it. The location and natural features of the Coast coupled with its neglected condition, made it very attractive to the buccaneers and smugglers of the sixteenth and seventeenth centuries. The freebooters early located at different points along the coast and soon acquired a controlling influence over the mongrel population of the Shore.* The latter not only supplied the buccaneers with food and shelter but furnished an important contingent for their expeditions.† Under those circumstances it was but natural that the Mosquito Shore should become one of the favorite haunts of those lawless adventurers.

Owing to the negligent attitude of Spain and their intimate relations with the Mosquitos, the buccaneers soon became the virtual masters of the Coast. By the time they had acquired that position, the freebooters had become the more or less fully recognized allies of England and other rivals of Spain.‡ They constituted an important part of the forces that wrested Jamaica from Spain in 1655.§ From that time till the suppression of freebooting, the buccaneers were closely connected with the English of Jamaica on the one hand, and the Mosquitos on the other.‖ The pirates thus became a channel of communication between the Shore and the Island. In the course of time the English authorities of Jamaica became interested in the Mosquito territory and adopted measures for extending their influence with the Indians. Their success is shown by the fact that in 1687 the Chief

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* The Mosquito Shore by Thomas Strangeways, p. 136. Bancroft's Hist. of Cent. Am., II, p. 598. Squier's States of Cent. Am., pp. 631, 632.

† Ibid., p. 632.

‡ Narrative and Critical Hist. of America by Justin Winsor, VIII, p. 233. Long's Jamaica, I, p. 288.

§ Ibid., 300.

‖ Martin's British Colonial Library, IV, p. 18. Squier's Notes on Cent. Am., pp. 363 and 364. Bancroft's Hist. of Cent. Am., II, p. 598. Squier's States of Cent. Am. p. 633.

of the Mosquitos informed the Governor of Jamaica that he desired to place his country under British protection.* Measures were immediately taken to improve this opportunity for the extension of English influence. At the request of the authorities of Jamaica the Chief soon afterward visited the Island, where he was received with considerable pomp and dubbed King under the governor's seal.† Thus before the close of the seventeenth century the English had gained much influence with the Mosquitos and secured a pretext for interfering in the affairs of their country. To this result Spanish negligence had contributed no small share. The outcome of the first century's neglect was the establishment of a rival claim to the territory.

Yet Spain was neither ignorant of, nor entirely indifferent to, the course the English had taken with the Mosquitos. She remonstrated with the British Government but her complaints availed her little or nothing. The English still maintained their relations with the natives of the Coast and the Spanish commerce and settlements continued to suffer from piratical raids originating in the country of the Mosquitos.‡ Nor did the formal suppression of buccaneering produce any material change in that respect. The old piratical stations remained and were only so far changed in character that illicit trade became a more important occupation than piracy. Traffic in human chattels also became a prominent feature of Mosquito industry. In 1720 the authorities of Jamaica took a step which promoted that nefarious trade. They hired the Mosquitos to assist in the capture and return to Jami-

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*Bridge's Annals of Jamaica, p. 138. Lucas' Hist. Geog. of Brit. Col., II, p. 298.

†Churchill's Voyages VI, p. 302. Squier's States of Cent. Am., p. 634. Bancroft's Hist. of Cent. Am., II, p. 599.

‡Ibid., II, p. 600. Squier's Notes on Cent. Am. p. 371.

ca slaves who had escaped to the mainland.* In order to render the Mosquitos efficient allies in this work a liberal supply of arms and amunition was furnished them. This employment favored the incursions into the interior from which both the Spaniards and neighboring Indian tribes alike suffered. Owing to their superior equipment and the assistance of the white ruffians associated with them, the Mosquitos were more than a match for the other tribes. Therefore the transition from the capture and return of fugitive slaves to the hunting of victims for the market was an easy one. The neighboring tribes soon began to suffer from the slave expeditions of the Mosquitos. Unable to meet them on equal terms these tribes were forced to retire farther into the interior or to purchase peace at the price of a tribute to the Mosquito King. By this means the authority of the latter was gradually extended over a large tract of country.†

The warlike qualities of the Mosquitos and their success in hunting slaves, so favorably impressed the English at Jamaica that when they found themselves unable to make any substantial progress in putting down the Maroon insurrection, they appealed to the Mosquito King for assistance. In compliance with this request, a detatchment of warriors went to Jamaica, in 1739, and took a prominent part in suppressing the rebellion.‡ Scarcely had the Mosquitos returned home, when the outbreak of war between England and Spain led the English to seek their aid in carrying out a long cherished project for gaining control of a large part of the mainland of Central America. It was believed by the English that the Mos-

*Bancroft's Hist. of Cent. Am. II, p. 600.
†Chief Justice Temple of Belize, Journal of the Society of Arts, Vol. V, p. 118. Squier's Notes on Cent. Am., p. 209.
‡Hist. of Jamaica by Bryan Edwards, Intro., XII. Bridges' Annals of Jamaica, p. 140. Dublin University Mag. Vol. XXXIV, p. 177.

quitos and their white associates could be effectively employed in exciting a general revolt among the Indians of the interior, against the Spanish rule. In this way it was hoped that a large and important part of Central America might be wrested from Spain. In order to facilitate the execution of this scheme, Governor Trelawney, early in 1740, sent Robert Hodgson to the Mosquito Coast to engage the services of the Indians, and acquaint them with the details of the enterprise.* Hodgson not only succeeded in enlisting the Mosquitos in the service of England but ere long induced them to make an absolute cession of their country to that power.† He next undertook to secure the co-operation of the interior tribes in the movement against the Spaniards. But in this he was disappointed. Few if any, of those tribes were willing to revolt against the authority of Spain in the interest of the English and their Mosquito allies. The signal failure of this part of the plan together with the defeat of the co-operating naval expeditions, prevented a formidable invasion of the Spanish provinces.‡

Although the English failed to make any conquest from Spain in Central America, they materially strengthened their hold upon that region. Hodgson was made superintendent of the Mosquito territory.§ Troops and artillery were sent there from Jamaica, which enabled the English to defeat a Spanish expedition against the Mosquitos in 1747.‖ The Spaniards did not repeat the experiment and the peace of Aix-la-Chapelle, the following year found the English more firmly established on the

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*Bancroft's Hist. of Cent. Am., II, p. 601.

†Sen. Ex, Doc. 194, 1st Sess. 47th Cong. p. 74.† Sen. Ex. Doc. 27, 2nd Sess. 32nd Cong. p. 83.

‡Bancroft's Hist. of Cent. Am., II, p. 601.

§Sen. Ex. Doc. 27, 2nd Sess. of 32nd Cong., p. 87.

‖Ibid., p. 87.

Mosquito Coast than ever before.* Under the terms of that treaty, however, it was agreed that all conquests made during the war should be restored.† Hence, if the English could claim to have conquered the territory, by virtue of the defeat of the Spanish expedition in 1747, they should have restored it in 1748. Yet they did nothing of the kind. They continued their settlements there and in October of the following year, Hodgson was formally re-appointed Superintendant by the King of England.‡

The apparent determination to retain permanent possession of the country aroused the Spanish officials. They protested for some time and, in 1750, threatened the forcible expulsion of the English from the Coast. Alarmed at the prospect of an armed collision with the Spaniards, the English tried to pacify them. They represented that the purpose of maintaining an English superintendent on the Coast was to prevent Indian depredations.§ The Spaniards did not accept this explanation and still insisted upon the evacuation of the Coast. They also announced that they were about to send a superintendent to that region. Thereupon, Hodgson informed the Spanish officials that Spain had no right to interfere in the affairs of the Mosquito territory. The Indians, he asserted, were free, never having been conquered by Spain.‖ The Spaniards, exasperated by his attitude, at once began making preparations to drive out the English. So threatening was the outlook that both the Governor of Jamaica and and the settlers on the Coast hastened to make conces-

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* Ibid., p. 87.

† Difinitive Treaty of Peace, signed at Aix-la-Chapelle Oct. 18, 1748, Art. V.

‡ Sen. Ex. Doc. 27, 2nd Sess. of 32nd Cong., p. 87. Squier's States of Cent. Am., p. 638.

§ Squier's States of Cent. Am., p. 638.

‖ Sen. Ex. Doc. 27, 2nd Sess. of 32nd Cong., p. 87.

sions. The Governor proposed the demolition of all the fortifications on the Coast, and persuaded the Spaniards to suspend hostilities till he could hear from the home government.* Thus the Spanish attack was averted. In reporting the matter to his government, Governor Knowles pronounced the settlement on the Coast a "job" and declared that "if Hodgson was not checked or recalled he would involve the nation in serious difficulties."† Owing to the good sense and moderation of Knowles, a conflict was avoided and a better state of feeling prevailed throughout the remainder of his administration.

Upon his retirement, however, the old trouble was renewed. The English became bolder and more active in their operations on the Coast, and the Spaniards again complained of them. This state of affairs had not long continued when the outbreak of the Seven Years' War afforded an opportunity to both parties for avenging their grievances. This struggle continued till 1763, when it was brought to a close by the Treaty of Paris. Among other things that instrument provided that Great Britain should demolish all the fortifications which her subjects had erected in the vicinity of Honduras Bay and other places in the territory of Spain in that part of the world.‡ In compliance with this agreement all the fortifications on the Mosquito Coast were demolished and the British troops withdrawn.§ However, a majority of the settlers remained for the purpose of cutting logwood and carrying on trade. Some of them began to make permanent establishments there, apparently in the expectation that Great Britain would still continue to maintain some con-

*Ibid., p. 88. Squier's States of Cent. Am., p. 638.

†Ibid., p. 638. Sen. Ex. Doc. 27, 2nd Sess. of 32nd Cong., p. 88. Sen. Ex. Doc. 194, 1st Sess. of 47th Cong., p. 77.

‡Treaty of Peace, signed at Paris Feb. 10, 1763, Art. XVII.

§Young's Residence on the Mosquito Shore, p. 159.

trol over the region.* In that they were not disappointed. English superintendents were still sent to the Mosquito Coast. Robert Hodgson, son the first superintendent, was appointed to that position in 1767 and remained in office till 1775, when he was recalled in order that a more elaborate system of government might be put in operation.† Under the new regime the government was in the hands of a superintendent and an elective council of twelve members. Subject to the approval of the governor and council of Jamaica, it could make all police regulations for that country.‡ This system continued in operation for a number of years.

The course of the English in maintaining their settlements on the Mosquito Coast was no more acceptable to the Spaniards that their actions had formerly been. They protested as of old, and upon occasion resorted to sterner measures for the vindication of their rights.§ The ill-feeling thus engendered was one of the factors which induced Spain to declare war against Great Britain, in 1779. Upon the outbreak of hostilities the Spaniards sent a force against the English settlements on the Mosquito Shore. For a time circumstances favored them. The English, intent on carrying out the long cherished project of gaining possession of the San Juan River, Lake Nicaragua and the adjoining territory, had gone on an expedition to the interior. In order to provide the necessary forces they had drawn off nearly all the able-bodied men, including the Indians, from the Coast. In their defenseless condition the settlements fell an easy

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* Bancroft's Hist. Cent. Am., II, p. 602.

† British Accounts and Papers, for 1828, XXVI, No. 522, p. 4.

‡ Ibid., p. 4. Bancroft's Hist. of Cent. Am., II, 602.

‖ Bancroft's Hist. of Am., II, p. 604.

§ Ibid., II, p. 604.

prey to the Spaniards, in 1780.* The English settlements having been destroyed, the Spaniards stationed a few small garrisons in that region and withdrew. But their good fortune lasted only a short time. The English and Indians soon returned and easily made themselves masters of the country, which they held till the close of the war in 1783.

Upon the restoration of peace it was agreed that all the English settlements on the Spanish Continent should be abandoned.† This agreement, which was formally incorporated into the treaty of peace, was most distasteful to the British Ministry. At length, however, the Ministry reluctantly voted for the ratification of the convention. Charles James Fox, in informing the King of this decision, justified the action of the Ministry on the ground that it would still be within the power of the British Government to put its own interpretation upon the term Spanish Continent "and to determine upon prudential considerations whether the Mosquito Coast comes (came) under that designation or not."‡ Acting on the advice of his Ministers, the King signed the treaty § and the Government made no effort to remove the settlements from the Mosquito Shore. Spain naturally complained of this violation of the treaty engagements. The British Government, on the other hand, denied that its course was in any sense contrary to its engagements, since the Mosquito Coast did not constitute a part of the "Spanish Continent" but of the "American Continent." ‖

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* Ibid., II, p. 604.

† Definitive Treaty of Peace between Great Britain and Spain, signed at Versailles Sept. 3, 1783, Art. VI.

‡ Lord John Russell's Mem. and Corr. of Chas. James Fox, II, p. 132.

§ Ibid., II, p. 133,

‖ Squier's States of Cent. Am., p. 643.

The Spanish Government was justly indignant at this evasion of its treaty engagements by the British Government. A long and heated diplomatic discussion followed which resulted in the conclusion of the supplementary convention of 1786, between Great Britain and Spain.* The provisions of that instrument were much more comprehensive and stringent than those of the former treaty. In order to avoid the possibility of future misunderstanding or evasion regarding the evacuation of the Spanish territories, it was stipulated that the English should evacuate the Mosquito country and also "the continent in general and the islands adjacent thereto without exception."† Spain on her part agreed that she would not treat the Mosquitos with severity because of their former relations with the English.‡

Owing to the provision for the evacuation of the Mosquito Shore, the treaty of 1786 was very distasteful to the English people generally.§ This is proven by the fact that an attempt was made in the House of Lords to censure the Government for negotiating that convention. The discussion which followed shows that, in the opinion of the Lords, England either gave up all the rights which she had acquired in the Mosquito country, or else that neither she nor the Mosquitos, ever had any claim to the territory. In either case, the House was unanimous in the opinion that after the conclusion of the convention of 1786, Great Britain had no valid claim to the Mosquito country. By an overwhelming majority the House voted to approve the action of the Ministry in negotiating the

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*Ibid., p. 640.

†Treaty between Great Britain and Spain, signed at London, July 14, 1786. Art. I.

‡Ibid., Art. XIV.

§ Squier's States of Cent. Am., p. 630.

treaty,* thus virtually recognizing Spain as the real sovereign of that region. Accordingly, the English settlers were obliged to evacuate the Coast or remain at their own risk.† A few chose the latter course but the majority obeyed the summons of their government and withdrew. But, contrary to the expectations of the Spaniards, the formal evacuation of that region by the English did not put an end to British influence in that quarter. With the assistance of the few Englishmen who remained there, the British Government easily contrived to preserve, and even strengthen its influence with the natives.‡ This connection between the English and the Indians produced some important consequences at a later time, as we shall see presently. Soon after the evacuation of the Coast the Spanish authorities tried to establish settlements there. But they met with so much resistance from the residents and natives of the Coast, that the enterprise was abandoned after the Mosquitos had captured their last settlement in 1796.§ Such was the outcome of the second century of Spanish negligence respecting the Moquito country.

From that time till the final overthrow of her authority on the continent, Spain was unable to give any particular attention to this region. Nor were the newly established states of Central America more able to resist the British encroachments. England took advantage of this state of affairs and cultivated closer relations with her former allies of the Coast. The Mosquito Kings were

*Note—Secretary of State Marcy to Buchanan, July 2, 1853. This instruction is found in House Ex. Doc. I, 1st cess. of 34th Cong., pp. 42—48. A large part of this communication is devoted to an account of the debate of 1786 in the House of Lords, on the motion of Lord Rawdon to condemn the convention of 1786 respecting the Mosquitos. Mr. Marcy does not limit himself to a mere account of the discussion, but gives quite lengthy excerpts from the different speeches as well. He also states that the debate is not found in Hansard's collection.

†British Accounts and Papers, for 1828, XXVI, No. 522, p. 6. Bonnycastle's Spanish Am., I, p. 171. Whig Rev., XI, p. 190.

‡Gibbs' Brit. Honduras, p. 81.

§Bancroft's Hist. of Cent. Am., II, p. 607.

still crowned at Belize or Jamaica. English officials annually visited the Coast and distributed presents among the natives.* Progressively the British Government assumed more and more authority in the management of the affairs of the Mosquitos. To what extent this was carried is well illustrated by one or two events that occured between 1825 and 1830. One of the Mosquito Kings returning from his coronation at Belize, began to make grants of his territories with truly princely munificence.† Such a course was far from pleasing to the British authorities who took immediately took measures for preventing such indiscretions in the future. A ship-of-war was sent to the Coast for the purpose of taking the King into custody. He was soon captured and taken to Belize, where he was kept in charge of British officials during the remainder of his life.‡ Not long after this the British used almost equally harsh means for the suppression of the traffic in Indian slaves.§ Thus it is evident that by 1830 Great Britain had assumed practical control of that region.

In order to understand the remaining portion of the Mosquito narrative it will be necessary to pause at this point long enough to note the general condition of Central America after the downfall of Spanish authority there. It is well known to all, who have given any attention to the matter, that Spain maintained a narrow and despotic paternalism in the government of all her colonies. Under that regime her colonies originated and attained their development. ‖ They were, therefore, wholly destitute of all preparation for self-government when they

*Henderson's Honduras, p. 123.

†Squier's States of Cent. Am., p. 643.

‡Ibid., p. 643.

§ Brit. Accounts and Papers, for 1828, XXVI, No. 522, p. 3.

‖ De la Colonisation Chez les Peuples Moderns par, Paul Leroy-Beaulieu, pp. 21 and 22.

came to assume the station and responsibilities of independent states. Moreover, the people were not agreed as to the form of government that should be adopted. A part of them, and in some respects the most influential portion, desired a monarchy, while the remainder favored a republic.* The first class comprised the clergy, officials and nobility, so far as there was one. In course of time this party gained the support of the lower classes, including many of the Indians.† The party which inclined toward republicanism comprised the merchants. artisans and professional classes, exclusive of the clergy.‡ The difference between the two parties was much greater than appears at first glance. This follows from the fact that they were so constituted as to reflect and intensify class spirit and prejudice. Moreover, there was a decided tendency toward sectionalism in their composition.§

But it must be remembered that in addition to a repressive political tyranny, the Central Americans had been reared under an ecclesiastical despotism whose bigoted intolerence was, if possible, more extreme than that of the government.‖ The same influences which caused the political revolution, were largely instrumental in producing a revolt against ecclesiastical domination. This naturally followed from the close relationship which had always subsisted between church and state.¶ For that reason a revolt against one could hardly fail of being a revolt against the other also. The party which favored republicanism in government was practically identical

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*Dunn's Hist. of Cent. Am., p. 179. Froebel's Seven Years in Cent. Am., p. 141. Squier's Nicaragua, II, p. 374. Bancroft's Hist. of Cent. Am., III, p. 69.

†Ibid., III, p. 85. Crowe's Gospel in Cent. Am., p. 126.

‡Crowe's Gospel in Cent. Am., 124. Dunn's Hist. of Cent. Am., pp. 92 and 93.

§Froebel's Seven Years in Cent. Am., pp. 142 and 143. Dunn's Hist. of Cent. Am, pp. 178, 179 and 185.

‖De la Colonisation Chez les Peuples Moderns par Leroy-Beaulieu, p. 22.

¶Dublin Rev., XLIII, p. 357.

with the one opposed to priestly domination.* Nothing more is necessary to reveal the almost insurmountable difficulties that stood in the way of establishing any efficient and stable system of self-government. But perhaps the most formidable obstacle in the way of establishing a liberal government was the spirit of intolerance which almost universally prevailed.† For generations both church and government had so directed their energies as to foster the growth of that spirit. Under those circumstances there is no occasion for surprise at the sad sequel to the heroic, but ill-advised attempts of the Spanish Americans to establish civil and religious liberty. Thoroughly trained to intolerence of the narrowest kind, neither party was either willing or capable of treating its opponent with fairness. Moreover, neither party had developed enough of true patriotism to prevent its placing itself in the most abject subserviency to any influence, whether domestic or foreign, which promised to promote the interests of the party or injure its opponent. For that reason Central America soon became and long continued to be, one of the most fruitful fields for foreign influence and intrigue. With these facts in mind we may now take a glance at the course of events in that country after it became independent.

Soon after throwing off the Spanish yoke, the Central Americans founded a republic, comprising the five states lying between Mexico and New Grenada or Columbia. It is needless to say that the Liberals or republicans first came into power.‡ Being unskilled in the art of self-government and intoxicated with their new liberty, the republicans were not wise enough to concede anything to

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*Ibid., XLIII, p. 357.

*Squier's Nicaragua, II, 365, 366. Whig Rev., XII, p. 337.

†Dublin Rev., XLIII, p. 357. Bancroft Hist. of Cent. Am,, III, pp. 82-3.

the wishes or prejudices of their opponents. Neither did they, or their rivals understand that the people were incapable of creating or appreciating a free government. The people generally were likewise unable to comprehend the fact that no government, no matter how well disposed and patriotic it might be, could, in a few months or years, remedy all the evils which generations of oppression and misrule had brought upon them. Consequently they were ready to turn against the party in power and even the government as soon as it became apparent that all their visionary anticipations were not be be realized at once. Of course the Serviles or Monarchial party took advantage of this dissatisfaction to promote its own interests. Intrigue was used for the overthrow of its opponents. This led to retaliation and increased the bitterness of partisan feeling. This policy once adopted, was pursued with ever-increasing zeal till both parties had fathomed the utmost depths of intrigue that party hatred and religious bigotry could devise. Nor did either party stop in its mad career till it had called into requisition foreign assistance.*

Such a course, however, only enhanced the difficulties of the case. Matters speedily passed beyond the sphere of intrigue to that of armed conflict. The clash of arms continued with but short and infrequent intervals, till the downfall of the Republic in 1838.† During this period of civil strife first, one party and then the other was in possession of the government. Both alike were guilty of the most inhuman treatment of their opponents whenever an opportunity offered.‡ So bitter was the partisan strife that foreign aggressions of the most flagrant character were

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* Whig Rev., XII, pp. 337-340. Froebel's Seven Years in Cent. Am., p. 142. Squier's Nicaragua, II, pp. 365 6.

† Ban. Hist. of Cent. Am., III, p. 138.

‡ Squier's Nic. II, pp. 365-6. Whig Rev., XII, p. 342.

not sufficient to induce the combatants to unite in defending their common country. As might have been expected Great Britain was the most active and successful in profiting by the mistakes and follies of the Central Americans. Undoubtedly her success was due, in part, to her aggressive policy; but to a much greater extent, it is to be attributed to the position she had already acquired in the country and her familiarity with the Spanish American character. Unquestionably her agents or representatives in Central America, often resorted to unscrupulous methods in order to further their own, or their country's interests; but there is no good reason for believing that they were, on the whole, more reprehensible in their conduct than the representatives of other nations would have been under similar circumstances. Finally, it is to be remembered that however much the Central Americans may have suffered from British aggressions, they were themselves largely to blame for it. By their own acts they had prepared the way for foreign intervention, even if they had not openly invited it. If they suffered more from Great Britain than from other powers it was due to the fact that she was in a position to act with more promptness than any other nation.

Unfortunately the downfall of the Republic did not put an end to the bloody and desolating struggles from which the country suffered.* For many years thereafter the revolutionary movements and inter-state conflicts continued. Thus the encroachments of the foreigners were favored. Great Britain took precautionary measures for the protection of the interests which she claimed to have acquired, and sought to increase her influence and power.† Such was the condition of affairs in Central Ameri-

* Ban. of Cent. Am., III, pp. 186-210.
† Squier's Nicaragua, II, p. 449.

ca from the fall of the Republic to 1848, when, owing to the results of the Mexican War, the United States came to take an active interest in that country.

With these facts before us we are prepared to take up again the thread of the Mosquito narrative. It will be remembered that the British took the Mosquito King to Belize soon after his coronation in 1825.* There he was retained in custody till his death in 1840. During that long period there is little to be said of Mosquito history. Owing to the unfortunate condition of Central America, little or no attention was given to the Mosquito country. Through their influence with the Indians and the presence of some representatives on the Shore, the British were the virtual rulers of the Coast.† The death of the King in 1840 opened the way for the English to take a bolder attitude regarding the Mosquito Coast. Sometime before his death, the King was persuaded to affix his cross to a "will," appointing Superintendent McDonald of Belize regent during the minority of his heirs.‡ McDonald entrusted his private secretary, Patrick Walker, with the immediate supervision of Mosquito affairs. Walker took up his residence at Bluefields, on the Coast, and at once entered upon the task of creating the state of "Mosquitia."§ He began by appointing a council to assist him. He next proceeded to determine the territorial limits of his new state.‖ The arrogance of his manner was so marked, and his claims were so extravagant that, despite the critical condition of Central America, he speedily became involved in bitter controversies with

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* Ante. p.

† Dublin University Mag., XXXIV, p. 174. Squier's States of Cent. Am., p. 643.

‡ Mosquito Corr. App. C.

§ Squier's States of Cent. Am., p. 644.

‖ Dublin University Mag., XXXIV, p. 175. Crowe's Gospel in Cent. Am., p. 213.

some of the adjoining states. They not only resented his arrogance but denied the right of the Mosquitos to any territory whatever. They contended, upon both legal and historical grounds, that the states of Central America possessed the undoubted right of sovereignty over the Mosquito territory.* But their arguments, unsupported by force, availed them nothing and the encroachments of Walker went steadily on. He early enlisted both the British civil and military authorities in Central America, in support of his enterprise. The importance of this is well illustrated by the following incident.

In August 1841, Superintendent McDonald of Belize in company with his ward, the Mosquito King, went to San Juan del Norte, in a British ship-of-war. As they were about to enter the harbor a second armed vessel, flying the so-called Mosquito flag, appeared. The ships entered the harbor together and anchored.† A few days later, the Nicaraguan commandant of the post was notified that he must acknowledge the Mosquito King.‡ This the Commandant, Colonel Quijano, promptly refused to do. Some days were spent in parleying when Quijano was forcibly seized and carried on board the British ship.§ Thereupon, she sailed for Belize; but before she reached her destination, Quijano was coerced into signing a paper in which the validity of the Mosquito claim to San Juan and the Coast was acknowledged. Then the unfortunate Quijano was placed on a desolate part of the Coast and left to his fate.‖ Although more than one British writer has characterized the treat-

* Squier's States of Cent. Am., p. 645. Whig Rev., XI, pp. 243-244.
† Gibbs' Brit. Honduras, p. 98. Squier's Nicaragua, II, p. 449.
‡ Bancroft's Hist. of Cent. Am., III, p. 260.
§ Ban. Hist. of Cent. Am., III, pp. 250, 251.
‖ Squier's Nic., II, p. 449.

ment of Quijano as "infamous," the British Government did not disavow it. On the contrary, the British Consul General in Central America entered into an elaborate argument in defense of McDonald's action.* The Central Americans did not quietly submit to that outrage. All the states save one, united in protesting against it.

The only state that sanctioned the act of McDonald, was Honduras.† Her attitude in this instance affords an excellent illustration of the extent to which the Central Americans would go in order to gain their partisan ends. The Government of that state was in the hands of the Serville element which was eager to secure a British protectorate. In the hope of attaining that end, it openly acknowledged the independence of Mosquito.‡ However, the course of Honduras did not affect the attitude of Nicaragua. She still continued to contest the British pretentions but it availed her nothing. In her desperation, she determined to appeal to the opinion of the civilized world, in the hope that some pressure in her favor might be placed upon the British Government. Accordingly in 1844, the Nicaraguan Minister at Brussels set forth the grievances of his country, in a circular letter to the various governments of Europe and America. His letter, however, failed of its purpose. Even the United States gave it no particular attention.§ Probably the only noticeable effect of that letter was to encourage Great Britain to take higher ground than ever in defense of Mosquito sovereignty and independence. But while Nicaragua was vainly appealing to the great powers of the world for assistance in her unequal contest with Great Britain, circumstances were already beginning to make in her

*House Ex. Doc. 75, 1st Sess. of 31st Cong. pp. 24—26.
†Bancroft's Hist. of Cent. Am., III, pp. 251.
‡Ibid., III., p. 251.
§House Ex. Doc. 75, 1st Sess. of 31st Cong., p. 43.

favor. When her appeal was sent forth from Brussels, the United States was fully committed to a policy that sooner or later would lead that power to take an active part in the defence of Nicaragnan claims.

It is needless to say that reference is here made to the long course of events and intrigue that finally brought on the war with Mexico. The conflict between the two republics had not continued long before it became morally certain that California must fall to the United States. At the same time, it was equally clear that the long coveted territory would be of little use to the United States without a more direct communication with it, than then existed. But according to the generally accepted opinion of the time, the most, if not the only feasible communication between the Atlantic and Pacific Oceans was a ship-canal across Central America. This was as well understood in England as in the United States. Under those circumstances it seemed certain that the United States would, ere long, endeavor to secure the construction of the desired waterway. Moreover, judging from the policy she was then pursuing with regard to Spanish America, it was impossible to escape the conviction that the United States would attempt to acquire an exclusive control over it. Once in possession of such a highway, the United States would almost inevitably employ it for the advancement of her own interests at the expense of Great Britain. Such was the prospect, viewed from the British standpoint, toward the close of 1846.

Already jealous of the growing power and influence of the United States and fearful of her commercial rivalry, Great Britain was quite unwilling that her American competitor should acquire an exclusive monopoly of any ship-canal across the isthmus.* Of this there can be no

*Hansard's Parlimentary Debates, CXL, p. 468.

question. Neither can there be any doubt that Great Britain was prepared to take energetic measures, if necessary, to prevent the establishment of so dangerous a monopoly. But while that is true, there appears to be no good ground for holding, as many contemporary American writers asserted, that the British aggressions in Central America, and especially those on the Mosquito Shore, were inaugurated for the express purpose of preventing an exclusively American monopoly of the isthmian transit. As we have already seen, those enroachments were for the most part, begun long before the United States had any existence as a nation. Some of the efforts to get possession of the transit route by the San Juan River and Lake Nicaraugа date back to 1780, at least.* Even Patrick Walker's attempt to get possession of San Juan was but a step in promoting his scheme for the establishment of the Mosquito State. Nevertheless it is true that the position on the Mosquito Coast enabled her to dictate the terms upon which a transit by the Nicaragua route might be opened. Doubtless this, together with the fear of an American monopoly of the isthmian canal hastened the development of the British policy respecting the Mosquito Coast. It is also quite probable that suspicion of American designs had something to do with determining the nature and direction of future British enroachments in that quarter, but that is the most that can be justly said of the course pursued by Great Britian at that time.

Whatever may be said concerning the motives which prompted British intervention in the affairs of the Mosquito Coast, it is certain that by the beginning of 1847, Her Majesty's Government had determined to take a bold stand in asserting and maintaining Mosquito rights. The evidence of this is found in the course pursued by Lord

* Ante p. 23.

Palmerston at that time. On January 30, he directed the British diplomatic and consular agents in Central America to collect what information they could concerning the boundaries claimed by the Mosquito King.* Besides this, he required a statement of the grounds on which those claims might be defended or attacked. In conclusion he ordered them to state what in their opinion was the boundary "that Her Majesty's Government should insist upon maintaining as essential for the security and well-being of the Mosquito State."†

In obedience to these orders both Consul-General Chatfield and Patrick Walker entered upon the task of collecting the required information. Neither of them succeeded in getting much through official channels. But relying upon such evidence as they could collect from other sources, both of those gentlemen, in the course of the following Spring, reported in favor of very liberal claims for the Mosquito King. In general they agreed that Her Majesty's Government should claim for Mosquito all the territory along the Coast from the Roman river on the north, to the San Juan on the south. In their opinion, Mosquito sovereignty should be asserted throughout that region.‡ They also urged the right of the Mosquito King to the territory on the south of the San Juan as far as New Grenada; but Mr. Chatfield favored holding this claim in reserve for future contingences.§ The reason for this may be gathered from his words in reference to the matter. "Moreover," he said, "looking at the probable future of these countries, considerable advantages might accrue in after times by reserving for future settlement with the Central Ameri-

* Mosquito Corr., p. 1.
† Ibid., p. 1.
‡ Ibid., pp. 5, 39 and 40.
§ Ibid., p. 6 and 38. Whig Rev., XI, p. 241.

cans the rights of Mosquito beyond the San Juan."* Yet at the same time he urged the propriety of an early assertion of Mosquito sovereignty to the territory on the north of that stream since "considerable benefit would result to British interests" from such a course.† The explanation of this distinction between the territory on the two sides of the San Juan river, is found in the different relations Great Britain sustained to Nicaragua and Costa Rica. For a long time, Nicaragua had strenuously resisted the English encroachments on the Mosquito Shore. On the other hand, Costa Rica was so completely subservient to British influence that it was unnecessary for Great Britain to assert Mosquito sovereignty over that region to control it. But in order to guard against any curtailment of British influence, through a change of attitude on the part of Costa Rica, it was deemed advisable to leave the way open for the assertion of Mosquito claims to her territory.‡

An investigation into the claims of Mosquito had also been instituted by the Foreign Office. The result was a determination to assert the right of Mosquito to the whole coast from the Roman river to the San Juan. This decision was communicated to the British agents in Central America, on June 30, 1847, together with instructions to make it known to the states of that country. They were also directed to inform the Central Americans that the British Government would tolerate no encroachments upon the rights of Mosquito within the territory described.§ This information was conveyed to the states interested, in September of that year, by Mr. Chatfield. But not content with fulfilling the letter of his instruc-

* Mosquito Corr., p. 6.
† Ibid., p. 6.
‡ Whig Rev., XI, 250.
§ Mosq. Corr., pp. 53 and 56.

tions, Chatfield took the precaution to state that those claims were to be maintained "without prejudice to the right of the Mosquito King to any territory to the South of the San Juan river."* Thus by September 1847, Great Britain had openly proclaimed her purpose to protect the Mosquito King in his pretensions to the whole coast from the Roman river to the San Juan. Once assured of British support, the Mosquito Government, under the direction of Walker, lost little time in taking advantage of the opportunity thus afforded. Hardly more than a month had elapsed after the announcement of the Mosquito protectorate, before Nicaragua was notified to withdraw from the port of San Juan. Forcible expulsion was threatened in case the place was not evacuated by Jan. 1, 1848.†

This demand naturally aroused the resentment of the states affected by the Mosquito claims. Both Honduras and Nicaragua at once entered vigorous protests against British interference in the affairs of Central America. They dwelt upon the injustice of the course taken by the British Government in setting up its own opinion as final in a matter to which it was an interested party. The proud but feeble, states declared their purpose to resist the British aggressions with all the means in their power. But neither their appeals to the British sense of justice nor their threats of resistance availed them anything. Perceiving this, the Government of Nicaragua early turned to the United States for assistance. On Nov. 12, the Secretary of State, in a letter to Mr. Buchannan, gave an account of the British aggressions against his country. He declared that the purpose of Great Britain in seizing San Juan was to get possession of the Nicara-

* Ibid., p. 56.
† Ibid., p. 70.

gua route for a ship-canal between the two seas.* He urged the United States to intervene, and prevent the consumation of British designs. But despite the urgency of this appeal, Mr. Buchannan did not even take the trouble to reply to it.† A few days later, the Supreme Director of Nicaragua sent a direct and pathetic entreaty to President Polk to interpose in behalf of Nicaragua. But he was no more fortunate than his Secretary of State had been in securing the assistance of the United States.‡ Despairing of help from her powerful northern neighbor, Nicaragua next applied to the Republic of Guatemala to act as mediator between her and Great Britain and, if possible secure a suspension of hostile operations pending the adjustment of the matter by an impartial arbitration.§ Guatemala complied with the request and urged Chatfield to accept the offer of arbitration. This he refused on the ground that he had no authority to act in the matter.‖

Meanwhile Nicaragua had kept up a lively diplomatic contest with Great Britain in defense of her rights. She also stubbornly maintained her position at San Juan. Such was the condition of affairs at the expiration of the time allowed for Nicaragua to withdraw from that port. Under those circumstances Great Britain must either abandon her pretensions or resort to force. Accordingly, before the expiration of the month of January, two British ships-of-war entered the harbor of San Juan and compelled the Nicaraguan officials to give place to Englishmen, who were said to be in the service of the Mosquito King.¶ Their mission finished, the ships with-

* House Ex. Doc. 75, 1st, Sess. of 31st Cong., pp. 13-14.
† Ibid., pp. 4 and 84.
‡ Ibid, pp. 79 and 80.
§ Mosq. Corr., p. 83.
‖ Ibid., pp. 87 and 92.
¶ Bancroft's Hist. of Cent. Am., III, p. 251.

drew. Shortly afterward a small detachment of Nicaraguan troops took possession of the place and made prisoners of the English officials they found there. Thereupon the British forces returned.* The Nicaraguans retreated some distance up the San Juan, where they erected fortifications in order to resist the advance of the English. The latter, however, defeated them with considerable loss in March, 1848.† The British followed up their success till the Nicaraguans sued for a suspension of hostilities. This was finally granted on the condition that the Nicaraguans should not attempt to re-occupy San Juan pending the final settlement of the difficulties between the two powers, and that all further negotiations for that purpose should be conducted at London.‡ Almost immediately after the truce was agreed upon, a British consul-general was appointed to the Mosquito Shore.§ That official took up his residence at San Juan, where he assumed and exercised the usual governmental functions without any apparent regard for the rights of the Mosquito Sovereign.‖

Even when Nicaragua saw her troops driven out of San Juan, she did not despair. Once more she appealed to the United States.¶ But although her direct and fervent petition was reinforced by the warning of the American consul at San Juan that Great Britain was about to obtain control of the most feasible canal route, it brought no assistance. Therefore Nicaragua must either submit to the demands of Great Britain or obtain such concessions as she could through direct negotiations.

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*Squier's States of Cent. Am., p. 647.
†Squier's States of Cent. Am., p. 647.
‡House Ex. Doc. 75, 1st sess. of 31st Cong., p. 4.
§Squier's States of Cent. Am., p. 648.
‖Whig Rev., XI, p. 249.
¶House Ex. Doc. 75, 1st sess. of 31st Cong., pp. 80-84.

Accordingly, in the autumn of 1848, she sent Mr. Castellon to England for the purpose of negotiating a settlement with the British Government.* Immediately after his arrival in London, Mr. Castellon undertook to effect an arrangement that would be less humiliating to his country than the retention of the port of San Juan as a conquest. Although he persisted in the undertaking till the middle of the following summer, the attempt ended in failure. By July 1849, he was convinced that further stay in England was useless and made preparations for his departure to America. While thus engaged, he was informed by Palmerston that no further discussion could be had concerning the Mosquito country and San Juan.† His Lordship also warned him that Nicaragua must not place any reliance on the United States, for it was a matter of no consequence to Her Majesty's Government what view that power might take of British policy in Central America.‡

A few days subsequent to that Palmerston sent Castellon a written statement of the British position respecting the Mosquito country and San Juan. In that communication he took the ground that the Mosquito country had never belonged to Spain. But supposing that it had, he denied that Nicaragua had derived any title to it from that power. This followed from the fact that Spain had never recognized Nicaragua as an independent state. Having disposed of that phase of the question to his own satisfaction, Palmerston went on to show that Nicaragua had never acquired a title to the country either by cession or conquest. According to his view of the situation, all the Nicaraguans had gained by their successful revolt

* Whig Rev., XI, p. 251.
† Ibid., 252.
‡ Ibid., 252. House Ex. Doc. 75, 1st sess. 31st Cong., p. 172.

against Spanish rule was the right of self-government within the territory actually occupied by them at the time they threw off the Spanish yoke. The possession of that right did not authorize them to impose their yoke upon the Mosquitos. He also argued at some length to show that the treaties of 1783 and 1786, which required the absolute abandonment of the Mosquito Shore, did not destroy the British protectorate. "But," he continued, "supposing that it did, what was that to Nicaragua?" Not satisfied with that conclusive argument, Palmerston reiterated the usual statements of British writers to show that Mosquito was an independent kingdom, which had long been in alliance with Great Britain.*

Such was the condition of affairs in July, 1849. Great Britain had taken forcible possession of San Juan more than a year before and still maintained her position there by force of arms. Furthermore, she had haughtily refused to discuss the question whether Nicaragua had any rights to that port or the adjoining country. But even this does not tell the whole story of British domination. In the course of the summer of 1848, Mr. Christy, who became the British agent at San Juan in the spring of that year, took measures for increasing the area of the Mosquito Kingdom. By successive steps he laid claim to practically all the territory on the northern bank of the San Juan from its mouth to Lake Nicaragua.† So long as those claims were maintained, the Republic was virtually shut off from the river. In a word, Great Britain, through her connection with the Mosquitos and her aggressive policy, made herself master of a vast territory occupying the eastern part of Central America. The control of that territory and Belize, together with the

* House Ex. Doc. 75, 1st sess. 31st Cong., pp. 180-185.
† Whig Rev., XI, pp. 249-250.

occupation of the Bay Islands, gave her control of the whole eastern coast of Central America from Yucatan to the San Juan. It is to be remembered also that she held in reserve claims to the coast on the south of the San Juan that might be proclaimed at any moment. Thus through her possessions and claims along the coast she held the keys to any means of communication that might be opened across the isthmus. This condition of affairs was reached at the time when the United States first became vitally interested in the opening of a ship-canal across the isthmus.

A brief retrospect in this connection may not be devoid of interest. As pointed out in the preceding pages, this whole region, including the Bay Islands, was discovered and formally occupied in behalf of Spain. Under the auspices of the Spanish Crown early, though unsuccessful attempts were made to colonize the newly discovered lands. Eager to reap the entire benefit from her recently acquired territories, Spain sought to establish an exclusive monopoly over them, that was most irritating to her own subjects as well as those of other maritime powers. One consequence of this was a great develop ment of freebooting, in which the English bore a conspicuous part. Through the depredations of the pirates and the rivalry of other maritime nations, the power of Spain was so far weakened that her competitors were able to establish themselves at various points in the West Indies and on the mainland. When that had been accomplished, buccaneering was placed under the ban of of the different powers interested in the Indies. Then the freebooters turned their attention to woodcutting; many an old piratical station was converted into a settlement for cutting and shipping timber. Commerce soon sprang up between the woodmen and the English. As

time passed this trade became more and more important till it attracted the attention and enlisted the support of the British Government, about the middle of the eighteenth century. The presence of the English woodcutters within the dominions of Spain was a constant source of irritation to that power. Frequent attempts were made to dislodge them. This produced much ill-feeling between the two powers and was one of the causes of the frequent wars between England and Spain during the eighteenth century. Toward the close of that period, it was agreed that England should abandon the settlements within the Spanish dominions with the exception of the one at Belize, where they were to enjoy the right of cutting timber under certain restrictions. Yet in spite of this agreement, the English never wholly abandoned the region specified. On the contrary, they continued to occupy the Mosquito Shore and the British Government maintained very intimate relations with the natives and finally took them under its protection.

During the period of the Napoleonic wars and the revolt of the Spanish Colonies, the English made good use of Belize and the Mosquito protectorate for the extension of their influence in Central America. After the colonies became independent they suffered from civil war and internal discord to such an extent as to make them impotent to check foreign aggressions. The English promptly took advantage of these favoring circumstances and zealously extended the sphere of their influence in that region. The limits of Belize were extended and in the early forties a government under the control of the English was established on the Mosquito Shore. Finally the Mosquito dominions were declared to include the port and river San Juan. Claims to a considerable tract of country on the south of that river were set up in be-

half of the Mosquito King. Thus by the middle of this century England had control of practically all the eastern coast of Central America. Therefore she was in a position to prevent the opening of any means of communication across the isthmus.

CHAPTER II.

In the preceding chapter we have seen that Great Britain had secured a more or less complete control over a large portion of Central America. Within that region, which included the greater part of the eastern coast, she exercised dominion either in her own name or that of the Mosquito King. But in order to get an adequate conception of the extent to which her influence prevailed in Central America, it will be necessary to give some attention to those portions of the country where Great Britain made no pretense to dominion. However, before taking up that subject, it will be well to recall some of the more salient features of the political conditions that had prevailed since the downfall of Spanish dominion.

As already pointed out the people of that country had been reared under civil and ecclesiastical despotisms of the most radical kind.* Owing to that fact, they were without the necessary training for self-government and wanting in self-reliance. Moreover, they were proud and intolerant in the highest degree. But in addition to these unfortunate features, there was a strong tendency toward sectionalism in the formation of the political parties.† And here it may be well to remark that the term party as used in this connection, does not signify anything like the compact and efficient political organizations which we designate by that term in this country.

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*Ante pp. 31-32. DeBow's Rev., I, p. 123.

†Squier's Nicaragua, II, p. 447. Froebel's Seven Years in Cent. Am., p. 143. Whig Rev. XII, p. 342-343.

The so-called parties of Central America were little more than a loose and shifting combination of hostile factions, held together by nothing stronger than a fierce though vague opposition to a similar group of factions. True, there was a division upon the question whether a republican or monarchical form of government should be adopted. But it is equally true that the line of division was determined by motives of selfishness or a blind subservience to the sentiment of the time. It is also to be remembered that class spirit and religious fanaticism had much to do in determining the composition of the so-called parties of Central America.*

In view of these facts it is not surprising that civil war soon followed the founding of the Central American Republic, and lasted till its downfall. Moreover, the very composition of the parties was such as to make factional strife inevitable the moment either one of them secured control in any particular state. Hence those little republics were from the first, the victims of almost constant turmoil and bloodshed. A generation had passed since this unfortunate condition of affairs began, and the country had been brought to the very verge of anarchy. Under those circumstances Central America presented an inviting field for foreign intrigue and aggression.

Naturally the English were the first to take advantage of this opportunity. Their knowledge of the Spanish-American character and familiarity with the boundless resources of the country enabled them to profit from the mistakes and follies of the Central Americans. The English engaged in commerce, and a variety of industrial pursuits with characteristic enterprise and success. But owing to the peculiarities of the Spanish-Americans they

*Ante p. 32.

often found it difficult to obtain the concessions necessary for carrying on these occupations. Under those circumstances they made use of factional strife and hatred to secure their ends. As time passed the bitterness engendered by these internal conflicts became so intense that either party was ready to sacrifice the interests of its country in order to win assistance.* By intriguing first with one party, and then with the other the English generally managed to secure what they desired. Gradually the course of events led them into closer relations with the Servile or Monarchical party than with the Liberal or Republican party.† Thus the English came to be regarded as friends or foes of the government according as one party or the other was in power. Therefore, they were alternately the recipients of valuable favors or the objects of persecution. This persecution often became the ground of complaint against the state with claims for damages. The enforcement of such claims led to frequent controversies between the state government and that of Great Britain.‡ In many instances such claims were apparently allowed to remain unadjusted till circumstances were favorable for the promotion of British influence in that quarter. Operations between English capitalists and the state governments of Central America also afforded grounds for British intervention in the affairs of that country.

A notable instance of this kind occured in 1849, and so well does it illustrate the British method of dealing with the Central American governments that we will give a brief account of it. Some time before the downfall of the Central American Republic in 1838, its govern-

* Froebel's Seven Years in Cent. Am., p. 142.

† Ibid., p. 142.

‡ Sen. Ex. Doc, 43, 2nd Sess., 31st Cong., p. 3. House Ex. Doc. 75. 1st Sess., 31st Cong., pp. 314-318.

ment had made an arrangement with a London banking house to float a certain amount of the Republic's bonds. The proceeds were to be remitted at stated intervals. After several installments had been paid, the house failed without fulfilling its part of the contract. Owing to this failure the government suffered considerable embarrassment. After some delay another firm undertook to complete the contract but was hardly more successful than the first.*

But upon the failure of the states to meet their obligations punctually, the British Consul-General, Frederick Chatfield, interfered in a most arbitrary manner. In the first place it is charged that he apportioned the debt among the several states in an arbitrary and unjust manner.† He then proceeded to enforce the payment of these claims by the most drastic means. In the case of San Salvador a peremptory demand for the payment of the debt was made and but twenty-four hours allowed for a reply. These terms being rejected as unjust, he ordered a strict blockade of her entire coast.‡ The corresponding claim against Honduras was made a pretext for seizing Tigre Island, which commanded the Gulf of Fonseca at the western terminus of the proposed ship-canal across the isthmus. This seizure took place on Oct. 16, 1849, and led to some complications between the United States and Great Britain which will claim attention at a later time.§ But the coercive measures of the British against that state did not stop with the seizure of Tigre Island. Almost at the same time they took possession of Omoa and Truxillo, its chief ports on

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* House Ex. Doc. 75, 1st Sess., of 31st Cong., p. 285.

†Ibid., pp. 283-287. Sen. Ex. Doc. 43, 2nd Sess. of 31st Cong., p. 25.

‡Ibid., p. 55.

§House Ex. Doc. 75, 1st Sess. of 31st Cong., p. 220. Sen. Ex. Doc, 43, 2nd Sess. of 32nd Cong., p. 5.

Honduras Bay.* Thus the claims growing out of a single transaction became the grounds for serious controversies with three states, and were made a pretext for seizing important points on their coasts.

But even this does not give a complete account of the extent to which British influence had been carried by the close of 1849. Costa Rica was then under the control of the Servile element, and consequently on more friendly terms with the English than any other Central American state, save Guatemala where the Serviles were also in power.† It will be remembered that in their reports of 1847, the British officials did not urge their government to assert Mosquito sovereignty over the coast line to the south of the San Juan river.‡ Doubtless this was owing to their belief that the English possessed a dominant influence in the councils of Costa Rica. That this opinion was well founded is proven by subsequent events.

Scarcely a week after the seizure of San Juan an arrangement was made by which Great Britain became the virtual protector of Costa Rica.§ Then, Costa Rica revived an old and obsolete claim to that portion of Nicaragua lying to the south of the San Juan river.‖ The establishment of her title to that territory would place her in command of the most feasible route for a ship-canal between the two oceans. Nicaragua very naturally refused to recognize the Costa Rican claim. A warm discussion between the two governments followed, but Costa Rica would not relinquish her hold upon that region.¶ Having failed to secure a recognition of her

* Ibid., I., pp. 3 and 46.
† Whig Rev., XI, p. 249.
‡ Ante p. 41. Mosq. Corr., p. 6.
§ Whig Rev., XII, p. 452.
‖ Ibid., XI, p. 250.
¶ Ibid., XII, p. 452.

rights through diplomacy, Nicaragua at length decided upon an appeal to arms. When this became known to Lord Palmerston, he informed the Nicaraguan Minister at London that Her Majesty's Government could not permit an attack upon Costa Rica, because of the close and intimate relations existing between Great Britain and that state.* About the same time, Mr. Chatfield notified the Nicaraguan Government that the difficulties with Costa Rica must be settled peaceably, since Great Britain would not permit the use of force.† Under those circumstances Nicaragua was powerless to secure any redress and was obliged to leave her insolent neighbor in possession of a large tract of her territory.

The significance of these proceedings on the part of the British and Costa Ricans is shown by one or two events that occurred a few months later. Early in the following year, the Costa Rican Minister at London granted to an English company a concession for constructing a ship-canal from ocean to ocean, by way of San Juan River, Lake Nicaragua and Sapoa River.‡ Thus Great Britain, through her influence with the little state of Costa Rica and the peculiar relations subsisting between it and Nicaragua, had at last gained control of the Nicaragua route to the Pacific. But that is not all. By bringing Costa Rica under their control, the British became practically the masters of the whole eastern coast of Central America and more than one-third of its territory.§ They had also secured some commanding positions on the Pacific and, as we have already seen, were making vigorous efforts to extend their influence in that

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*Ibid., XI, p. 251. XII, p. 454.

†Bancroft's Hist. of Cent. Am., III, p. 251. Note. House Ex. Doc. 75, 1st Sess. of 31st Cong., p. 172.

‡Whig Rev., XII, p. 455.

§Whig Rev., XII, p. 455.

quarter.* Moreover, England was pressing claims against the three states which had thus far offered the greatest opposition to her influence.† As these states were unable to meet her demands, there was great danger that Great Britain would occupy more or less of their territory and thus make herself dominant in the affairs of Central America. It was at this juncture that the United States began to take an active interest in that country. As some knowledge of the relations of the United States to Central America is essential to an understanding of the British proceedings on the western coast, we will examine them briefly.

For a long time after the Spanish-American Colonies became independent, Great Britain was the only foreign power that maintained extensive relations with them. But toward the middle of the present century other maritime powers, and especially the United States, began to cultivate more intimate relations with the Central Americans. So far as the United States was concerned, this change of attitude was in part due to the altered condition of her own internal affairs, but more largely to her growing maritime and commercial interests. However, it must not be inferred from this that the people of the United States had never taken a warm interest in Central American affairs. During the struggle of the Spanish Colonies for independence and for some time thereafter, the people of the United States felt a deep sympathy for the people of Central America.‡ But as time passed, it became more and more apparent that the Spanish-Americans were incapable of establishing and maintaining free and stable governments. This, together with the constant turmoil and bloodshed that prevailed so long in that

* Ante p. 54.
† Wharton's Digest, III, p. 17.
‖ Ante p. 54.

country, gradually destroyed our sympathy for the Central Americans and made us indifferent to their fate.* This attitude was maintained till well toward the middle of this century, when self-interest led the United States to cultivate more intimate relations with the Republics of that region. The first step in that direction was the appointment of a diplomatic agent.

In the Spring of 1848, Mr. Elijah Hise was sent out as Charge d'Affaires with instructions to use his influence in establishing more friendly relations with that country. He was also directed to employ every suitable means in his power to induce the states of Central America to unite under a single government. The avowed object of the United States in desiring such a union among those states was that they might be able to resist successfully the aggressions of foreign powers. The importance which the United States attached to preventing foreign intervention in the affairs of Central America was further shown by the instructions for Mr. Hise. Among the duties with which he was specially charged was that of collecting all available information regarding the British encroachments on the Mosquito Shore. Coupled with this injunction was the intimation that the United States would not acquiesce in those pretensions on the part of Great Britain. But perhaps the most important of his duties was to negotiate treaties of amity and commerce with those states which had already established their right to be regarded as independent powers. It was affirmed that the United States was ready to enter into treaty relations with all of the states as soon as they should demonstrate their ability to maintain an independent existence.†

Mr. Hise reached his post in the Autumn of 1848.‡

*Schouler's Hist. U. S., IV., p. 245.
†House Ex. Doc. 75, 1st Sess. of 31st Cong., pp. 92-95.
‡Ibid., p. 100.

He soon became convinced that the British were trying to secure possession of all the ports on both coasts of the country that might become the terminals of an interoceanic canal.* In his opinion, the acquisition of California by the United States had led the British to take that course, in order to prevent the control of such a transit by that Republic. Anxious to promote the interests of his country, Mr. Hise urged upon his government the importance of treating with all the Central American states for transit routes through their territories. Without waiting for the necessary authority, he proceeded to open negotiations with the state governments looking to that end. His first step was to conclude treaties of commerce and friendship with Honduras and Nicaragua. No sooner had that been accomplished, than he began to negotiate with the latter for the right to open a maritime canal through her dominions.† His efforts were soon crowned with success. On June 21, 1849, a treaty with Nicaragua was signed at Guatemala, which secured to the United States the perpetual right-of-way for all American vessels through any canal that might be opened through Nicaraguan territory. It was also stipulated that the United States should enjoy the privilege of transporting troops, munitions of war, mails and public agents over any other means of transit whether by land or water between the two seas. In addition to this the United States was authorized to charter companies for the construction of a canal or other means of communication through Central America, and was given almost unlimited power in bestowing privileges and immunities on such companies as it might charter. On the other hand, some very heavy burdens were laid upon the United States. Among them

* Ibid., p. 100.
† Ibid., p. 105.

may be mentioned the obligation of maintaining the sovereignty and dominion of Nicaragua over her rightful territories.*

That Mr. Hise was rash in assuming such grave responsibilities in behalf of his government can hardly be questioned at this time. Yet a very casual examination of the case will show that his conduct was not entirely without justification. He left the United States just before the conclusion of peace with Mexico which secured California and New Mexico.† The acquisition of those territories, together with the almost simultaneous discovery of their vast stores of gold and silver, created an immediate and pressing demand for a more direct communication between the two sections of the country. The importance which that generation attached to direct communication with the Pacific coast can only be realized when it is stated that it was regarded as absolutely essential to the development of California's natural resources and the maintenance of United States dominion in that region.‡ Mr. Hise was more or less cognizant of this state of feeling in the United States. He was also aware that the United States was ignorant of the extent to which the British had carried their aggressions in Central America, and the efforts they were making to extend their influence in that quarter. Moreover, there was apparently much reason to fear that Great Britain would secure control of any canal that might be opened across the isthmus. Nor were those the only things that had to be taken into consideration. English and American companies were competing for the privilege of constructing a water-way across Nicaragua. Taking advantage of that

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*A copy of this treaty is found on pp. 110-117 on House Ex. Doc. 75, 1st sess. of 31st Cong.

†House Ex. Doc. 75, 1st Sess. of 31st Cong., p. 105.

‡Cong. Globe App., 1st Sess. 34th Cong., p. 438; Dem. Rev. XXIII, p. 412.

state of affairs, the Government of that Republic placed such onerous conditions on grants to private companies that it was practically impossible for a ship-canal ever to be opened through that instrumentality.* Finally it is to be noted that Nicaragua insisted upon the guarantee of her sovereignty as the price any foreign power must pay for a canal across her territory. Charged with the duty of protecting and promoting his country's interests, which were menaced by the machinations of a rival power, and cut off from all regular communication with his government, Mr. Hise was in a difficult position. Evidently his course is not to be severely condemned. Nevertheless, his action might have led to serious consequences had it not been for the conservative tendencies of the Administration in power when the treaty was concluded.†

The Government of the United States had passed into the hands of a new administration while Mr. Hise was occupied with his Central American mission. The change of administration was the signal for a more vigorous development of the policy lately adopted by the United States regarding Central America. Hardly had General Taylor's administration been installed in office, when the President and his Secretary of State gave Nicaragua assurances of sympathy in her struggle with Great Britain. They also promised that the United States would use all the moral means in her power to secure a fair and amicable adjustment of the difficulties between England and Nicaragua.‡ Equally emphatic, as indicating the friendly

* House Ex. Doc. 75, 1st Sess. 31st Cong., pp. 104-109.

† The Taylor administration, to a certain extent, represented the reaction against the aggressive foreign policy of its predecessor, that was beginning to make itself manifest in the country at large. For that reason the administration was careful to avoid, as far as possible, complications with foreign powers. Hence its refusal to consider the Hise treaty, which, had it been ratified, would have led to serious complications with Great Britain and perhaps other European powers also. In harmony with this liberal policy, the Taylor administration laid less stress upon the Monroe Doctrine than its predecessor had done. See Schouler's Hist. of the United States, V., p. 176.

‡ House Ex. Doc. 75, 1st Sess. of 31st Cong., p. 4.

attitude of the United States, were the instructions issued, about the same time, to Mr. Squier, who succeeded Hise as Charge d'Affaires to Central America.* In his directions to Squier, Mr. Clayton vigorously defended Nicaragua's claim to the Mosquito Shore. That region, he declared, belonged to Spain, by right of discovery, so long as she maintained her American Empire. True, Great Britain had frequently violated Spain's rights in Central America, but she had just as often acknowledged them by relinquishing her establishments there. Spain's title to the Mosquito Shore was, therefore, valid and, upon the downfall of her authority on this continent, whatever rights she possessed vested in the states founded upon the ruins of her former American Empire. Since the overthrow of Spanish rule, there had been no other foundation for the British claims to the Mosquito country than "the supposed weakness or indifference of the governments invested with the rights of Spain in that quarter."† But in reality nothing could be claimed for the British pretensions on those grounds since the Central Americans had uniformly opposed them by every means in their power. Those aggressions had been instituted by Great Britain for the evident purpose of placing her in possession of places of commercial and strategic importance.

Putting aside such considerations, Mr. Clayton clearly stated that the United States would never permit her purpose concerning a ship-canal through that region to be thwarted by British claims in behalf of the so-called Mosquito King.‡ Although the United States neither sought nor desired a monopoly of the canal she could permit no

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*Ibid., p. 117.
†Ibid., p. 128.
‡Ibid., p. 129.

other nation to possess it. The United States has long felt a deep interest in such a communication but of late "that interest has (had) materially increased" and for "obvious reasons since such a passage across the isthmus may (might) be indispensible to maintain the relations of the United States with their newly acquired territories on the Pacific."* Mr. Clayton further stated that a company of American citizens had been formed for the purpose of constructing such a work and that it was desirous of obtaining the countenance of the general government. "There was," he said, a "strong disposition to bestow such countenance to any extent that was compatible with prudence."† Accordingly Mr. Squier was directed to render that company such assistance as he could. Yet he was expressly warned against making the government a party to any scheme for speculation. Therefore he was directed to withhold his sanction from any contract that was assignable.‡

In order to facilitate the opening of a trans-isthmian canal, Mr. Squier was authorized to go at once to the Capital of Nicaragua and negotiate treaties with her and Honduras. In the treaty with the former he was directed to incorporate an article securing to the citizens of the United States the right of transit between the two oceans on equal terms with the citizens of Nicaragua. Yet that privilege must not be purchased at the price of guaranteeing the independence of Nicaragua or any other state.§ The people of the United States were not ready to assume such a responsibility nor disposed to allow any passage to the Pacific to be directly or indirectly controlled by any great maritime power. Moreover, the United States

* Ibid., p. 119.
† Ibid., p. 119.
‡ Ibid., p. 119.
§ Ibid., p. 121.

would insist upon recognizing the Central American States as the rightful inheritors of all the territory within their respective limits, which had formerly belonged to Spain.* Although unwilling to guarantee the independence of those states, the Government of the United States was ready to co-operate with that of any Central American State in protecting a company in the construction of a canal across the isthmus. That offer, however, was made for the sole purpose of facilitating the opening of a passage, which otherwise might be indefinitely postponed.† It was the determination of the United States to conduct all negotiations concerning that subject in such a manner as to avoid all entangling alliances and unnecessary controversies.‡ Therefore, Nicaragua was to be left perfectly free to enter into similar treaty stipulations with any other power.§ Neither would the United States object to the employment of foreign capital in the opening of such a communication.‖ In a word, the United States Government sought no peculiar or exclusive privileges in any isthmian transit and was desirous that all negotiations relating to it should be "frank, open and unreserved as to all its purposes."¶

With these instructions, Mr. Squier set out for Central America, where he arrived in June, 1849. He was warmly received by the people, who looked to the United States for assistance in opposing the encroachments of Great Britain, as well as in opening a maritime canal across the isthmus.** These hopes and expectations were

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* Ibid., p. 121.
† Ibid., p. 121.
‡ Ibid., p. 129.
§ Ibid., p. 129.
‖ Ibid., p. 129.
¶ Ibid., p. 130. The whole instruction is found in House Ex. Doc. 1st Sess of 31st Cong., pp. 118-130.
** House Ex. Doc. No. 75 1st Sess. 31st Cong., p. 147.

stimulated by Mr. Squier who appears to have entertained rather extravagant notions of the Monroe Doctrine and the policy of the United States respecting European interference in the affairs of this continent.* Mr. Squier speedily won the confidence of the Central Americans and especially the Nicaraguans.† To that extent his mission was facilitated. Yet there still remained enough of difficulty to tax his skill and good judgment. The English were active and persistent in their efforts to secure complete control of the isthmian passage-ways. Their position on the eastern coast gave them a decided advantage in the struggle for precedence. Nor were they indifferent to the movements of the Americans in that quarter. No sooner did it become apparent that an American company was likely to secure a concession for a transit than the British consul at Leon entered a vigorous protest, in the name of the Mosquito King. Accompanying this protest was a warning that Her Majesty's Government would not permit any infringement of Mosquito rights.‡ At the same time a British company was endeavoring to secure a similar concession from Nicaragua. Besides the opposition of the British officials, who neglected no opportunity to thwart what they supposed to be the designs of the Americans, the country was distracted by insurrection and civil war.§ Obviously the task assigned Mr. Squier was no light one.

His first step was to induce Nicaragua to make an acceptable contract with the American Canal Company. This was accomplished in the latter part of August, 1849.‖ The terms secured by the Company were much more fav-

* British Blue Book on Central American Affairs, for 1856, p. 8.

† Stout's Nicaragua, p. 142.

‡ House Ex. Doc. 75, 1st sess. of 31st Cong., p. 150.

§ Ibid., p. 153.

‖ A copy of this contract is found in House Ex, Doc, 75, 1st sess. of 31st Cong., pp. 173-180.

orable than those granted to any previous company. With the details of this contract we need not delay at this point. One thing alone seems to call for special mention. In addition to the right-of-way for a ship-canal the company obtained the privilege of building a railroad or carriage way from sea to sea. Under this provision the Accessory Transit Company was soon organized and reaped a rich harvest by transporting California emigrants. This Company played an important part in the disputes and turmoils of Central America for the next few years.

A satisfactory concession having been secured for the American Company, the way was clear to take up the negotiations for the special treaty. This was promptly done with the result that a convention was signed in the early part of September, 1849. By the terms of that instrument the United States was given the right of transit through the territories of Nicaragua by any means of communication then existing or that might be constructed in the future. All such transits should be open to the government and citizens of the United States for any lawful purpose.* The citizens, ships and merchandise of the United States were to be exempt from all tolls while passing from one ocean to the other. In order to facilitate the construction of a suitable ship-canal and secure, for the benefit of mankind, its uninterrupted use, the two governments pledged their joint protection to the company that should build and operate such a work.† The United States also undertook to recognize Nicaraguan sovereignty over the line of the canal and agreed to guarantee the neutrality of that channel, so long as it should remain under the control of American citizens.

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* Whig Rev., XII, p. 443. British Blue Book on Central American Affairs, for 1856, p. 18.

† Ibid., p. 19.

It was further stipulated that the privileges granted to the United States should be extended to any other power that would enter into similar treaty arrangements for the protection and neutralization of the canal.* Although this convention was free from the more objectionable features of the Hise treaty and contained many excellent provisions, it was not entirely satisfactory to the Administration. On that account it was never ratified by the United States Government. Yet there is reason to believe that it served a useful purpose by inducing Great Britain to recede from some of her pretensions in Central America, and thus facilitated the negotiation of the Clayton-Bulwer treaty.

While engaged in negotiating the treaty with Nicaragua, Mr. Squier had been active in his efforts to extend the influence of the United States in other quarters. It had also been his constant endeavor to thwart the supposed designs of the British.†

Neither had the British officials been idle. They had been zealous in extending British influence and checkmating the Americans. Their policy and methods are well illustrated by the case of Tigre Island already referred to. For some time before Mr. Squier's arrival in Central America, the British had been trying to get Honduras to cede that island to Great Britain. Mr. Squier, in common with many others, believed that they wanted the island because it would place them in control of the western terminus of the proposed ship-canal. Naturally, he was very anxious to prevent their securing so important a position. To that end, he obtained the temporary cession of the island to the United States.‡

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* Ibid, p. 19.
† Sen. Ex. Doc. 75, 2nd, Sess. of 31st Cong., pp. 3-25.
‡ Ibid., p. 10.

But before the British had received official information of the transaction they had taken forcible possession of the island. This occured in the early part of October 1849.*

As soon as the British Consul-general learned of the cession to the United States, he wrote to Mr. Squier that Honduras had acted unadvisedly since she knew that he intended to place a lien upon the island. Furthermore, she was unable to make such a cession "since she neither has (had) or claims (claimed) to have national attributes;"† a remarkable statement for one who had so persistently insisted that the degraded and mongrel Mosquitos constituted a sovereign nation. In reply, Mr. Squier stated that his government recognized Honduras as a sovereign and independent Republic and, therefore, perfectly competent to cede any part of her territory to any other power.‡ He also demanded the evacuation of the island. The British paid no attention to this. On November second, Mr. Squier sent Chatfield a formal and peremptory notice to evacuate the island within six days.§ The British, however, proceeded to fortify it and make preparations for its permanent occupation.‖ Fortunately the United States and Great Britain were then engaged in negotiations for the purpose of adjusting the difficulties between them respecting Central America. Otherwise serious consequences might have resulted from the presumptuous acts of their agents. Matters pertaining to Tigre Island remained unaltered till the latter part of December, when Admiral Hornby, of the British navy, appeared on the coast and, on his own responsibility, ordered the

* Ibid., p. 6.
† Ibid., p. 15.
‡ Ibid., p. 16.
§ British Blue Book on Central American Affairs, for 1856, p. 34.
‖ Sen. Ex. Doc. 43, 2nd Sess. of 31st Cong., pp. 12 and 18.

island restored to Honduras.* In March 1850, Hornby again made his appearance and threatened to re-occupy Tigre Island if the Government of Honduras did not ratify a treaty which Chatfield had negotiated with it some months previous.† As soon as Mr. Squier learned of this, he informed Hornby that the island had been ceded to the United States.‡ Thereupon, Hornby withdrew and the island remained under the United States flag till after the conclusion of the Clayton-Bulwer treaty, when it was restored to Honduras.§

A somewhat detailed account of this incident has been given in order to show the condition of things in Central America at the time. It also affords an excellent illustration of the suspicion with which Great Britain and the United States regarded each others proceedings in that country. Yet it is not to be inferred that this was an isolated or unusual case. The British employed similar and equally severe measures on the eastern coast of Honduras and also against San Salvador. A more striking example of British interference is found in the case of Nicaragua, whose Government was ordered to prevent the publication of unfriendly expressions concerning the British Government and officials.‖ That British interference was carried to an unusual extent at the time is evident from what has been said already. In part the causes have been indicated also. It now remains to examine those causes more fully and to discover the reason for their peculiar activity.

For a long time prior to 1848, the United States paid

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*Ibid., p. 65.
†Ibid., p. 67.
‡Ibid., p. 74.
§Ibid., p. 76.
‖Sen. Ex. Doc. 43, 2nd Sess. of 31st Cong., p. 73.

little or no attention to the affairs of Central America.* The energies of her people were absorbed in the work of occupying and reclaiming her vast dominions. In addition to that, the Americans had been actively engaged in developing their commercial interests in different parts of the world and naturally gave preference to the more promising fields. The Central Americans, on the other hand, had done little or nothing in the way of developing the resources of their country and, therefore, could offer little inducement to the commercial enterprise of the people of the United States. Besides, the almost continual state of anarchy and bloodshed which prevailed in Central America did much to discourage the establishment of intimate relations between the United States and Republics of that country.† Under those circumstances it was inevitable that the people of the United States should hold aloof from Central America, so long as their own self-interest did not require them to do otherwise. And that is exactly what they did. But when the time became ripe for them to turn their attention to that country, for the sake of promoting their own welfare, they did so with characteristic enterprise and shrewdness. That stage was reached with the acquisition of California and New Mexico. No sooner had those territories come into the possession of the United States than her people felt the need of a more direct and expeditious communication with the Pacific coast. The perception of that necessity directed their attention to Central America as the possessor of the most feasible route for such a communication. Private enterprise and governmental influence were at once brought into requisition in order to secure the desired influence. Public

*Ante, p. House Ex. Doc. 75, 1st Sess. of 31st Cong., pp. 153-155.
†Schouler's Hist. U. S., IV, 245.

agents and private citizens vied with each other in promoting the enterprise. It was in the furthering of this project that the interests of the United States in Central America came into conflict with those of Great Britain.* The trouble respecting Tigre Island and the Mosquito Shore were the immediate results. In one form or another, these controversies continued for many years thereafter, and frequently threatened the peace of the two powers.

In order to fully understand how the attempt to secure a ship-canal across the American isthmus could have brought the United States and Great Britain into such bitter and long continued controversy, it will be necessary to give some attention to the relations subsisting between them at the time. Enough has already been said to show that both of those powers were suspicious of each other's motives relative to Central American affairs. Each feared that the other was endeavoring to get exclusive control of the Nicaragua route.† Their attitude is well illustrated by the correspondence of their agents in Central America, in the Spring of 1849. On April 4, one of the British officials in that region wrote to Lord Palmerston concerning the danger likely to result from the presence of Americans in that region. He also suggested that it might be avoided by taking Nicaragua under British protection. In conclusion he used the following significant language. "The welfare of my country and the desire of its obtaining so desirable a spot in the commercial world and freeing it from the competi-

*NOTE.—As soon as it became known than an American company had obtained a concession from Nicaragua for opening a ship-canal across the isthmus, Mr. Barclay, the British consul at New York, "published a warning notice to the grantees not to attempt their work, in as much as it would bisect the territory of His Majesty the King of the Mosquitos; and that Her Britainic Majesty is prepared to protect against all trespassers the soil of the Kingdom of Mosquitia." Dem. Rev. XXV., p. 406. See also. Sen. Ex. Doc. 27, 2nd Sess., 32nd Cong., pp. 16, 20 and 21.

†Hansard's Parl. Debates, Vol. 140, p. 466.

tion of so adventurous a race as the North Americans, induces me to address your Lordship with such freedom."* Less than three months later, Mr. Hise wrote the State Department that he was induced to conclude his treaty with Nicaragua with all possible dispatch because he had information from authentic sources that English companies were trying to procure the privileges which he had obtained. Moreover, his information led him to believe that the "British Government by its encroachments and aggressions at the mouth of the San Juan River, designed to so embarass the subject and to present such obstacles as to defeat altogether the project of making a ship-canal between the two oceans."† Mr. Squier also entertained similar views regarding the purposes of the British and the necessity of thwarting their schemes. He asserted that they had to encounter their strenuous opposition at every point.‡ In a word, the United States and Great Britain were bitter rivals for a controlling influence of the proposed canal across Central America.§ That rivalry, however, was simply a phase of a long standing jealousy, which had been growing in intensity for many years. It was the result of historic forces that had been influential since the foundation of our government. A spirit of intense jealousy pervaded the popular mind of both countries; nor were the governments free from its influence. It affected all their intercourse with each other and was a potent factor in shaping the policy of each toward the countries of the American continent.

Without attempting to trace out in detail the causes which had produced such a state of feeling in those two

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* Squier's Nicaragua, II, p. 264.

‡ House Ex. Doc. 75, 1st Sess. of 31st Cong., p. 108.

† House Ex. Doc. 75, 1st Sess. 31st Cong., p. 153. Cong. Globe App. XXVII, p. 286.

‡ Cong. Globe App. 2nd Sess. of 32nd Cong., p. 252.

countries, it is necessary to note its existence and the part it played in the controversies respecting Central America. Although the mutual suspicion had existed from the foundation of our government, it had of late become much stronger than for many years previous. During a considerable period prior to 1850, there had been an almost continuous chain of events which tended to enhance the already intense jealousy of the two nations. But perhaps the most potent factor in developing such a state of feeling was the rapid growth of the United States in power, and the consequent increase of her influence in the affairs of the American continent. This was regarded with more or less disfavor in Europe, where it was looked upon as dangerous to the balance of power in America. Even more influential in determining the attitude of Europe was the fear of such an example of republican prosperity upon the discontented peoples of the Old World. In these sentiments England shared to a greater or less degree. Other considerations, however, appealed to her more on account of her closer connection with America. Some of her most valuable possessions bordered on the United States and offered a tempting prize for that Republic, should it ever become strong enough to take them.* While it is probable that Great Britain did not anticipate any immediate difficulty on that account, it is certain that she had come to look upon the example of the United States as detrimental to her colonial interests.† The events of the period from 1840 to 1850 had done much to strengthen that opinion.

During the first half of the century the United States had rapidly extended her territorial dominions. As that

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*Hansard's Parliamentary Debates, CV, p. 930. London Spectator, 1845, II, p. 732.

†Hansard's Parliamentary Debates, CV, pp. 934, 938 and 941.

process went on her people had become imbued with the idea that it was their destiny to possess the whole continent. This belief was openly proclaimed on almost every possible occasion.† Taken in connection with the course of events on this continent, such a declaration could hardly fail to make a deep impression upon Great Britain, who held extensive territories adjoining the United States. Especially is that true when, as Europeans must have believed, the United States was endeavoring to realize her destiny with little or no regard for the rights of other nations. And surely the course of our government in the case of Texas and California went far toward justifying that view of the matter. At all events, as soon as it became apparent that the United States was intent upon extending her dominion to the Pacific, various schemes for thwarting that purpose began to be suggested by the officers and subjects of Great Britain. Prominent among the proposals were colonization by British subjects and the acquisition of sovereignty through purchase. Two motives for such a course were suggested. If England could prevent the American Republic's gaining possession of Oregon and California, there would be little to fear from American competition in the trade of China and Japan. Moreover, every check placed upon the further expansion of the United States would lessen the danger from her power and influence.‡

That England had reason to fear American competition in the trade with Asia is unquestionable. The United States was already her successful commercial rival in many parts of the world.§ For some years past that

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† Von Holst, Hist. of the U. S., III, 270. Whig Rev., XI, pp. 458, 568, 569. Dem. Rev., XVII, p. 5. Debow's Mag., IX, p. 167.

‡ Niles' Register, Vol. 69, p. 147. Ban. Hist. of Cal., IV, pp. 382, 451.

§ Hansard's Parl. Debates, Vol. 98, pp. 1025, 1026 and 1039; Vol. 99, pp. 37 52, 56, 532, 576 and 601. Hunt's Merchant's Mag., XVIII, p. 593.

Republic had been active in its efforts to establish commercial relations with the Asiatic powers. One result was the conclusion of Cushing's Treaty in 1845. That event was looked upon as the first step in the development of an extensive and profitable commerce with that part of the world. Under those circumstances the people of the United States came to regard the possession of Oregon and California as indispensible to the natural and legitimate expansion of their interests. For that reason they were exceedingly anxious to make good their title to that territory and secure the noble harbor of San Francisco.* Consequently they viewed with disfavor any movement on the part of other nations, which, by any possibility, could be construed as indicating a purpose to gain possession of that region. England was naturally looked upon as the power most to be feared. Hence the Americans were extremely suspicious of the British movements on the Pacific coast.†

On the other hand, the British realized the value of that region and the anxiety of the United States to get possession of it. Their officials urged upon the home government the importance of making good its claim to Oregon. They were even more eager with regard to California, which they represented as a prize for the first power that could take it. Some of them went so far as to inaugurate schemes for its colonization, in order to make sure of it.‡ Although the British Government took no active part in these enterprises, there is no doubt of its desire to secure possession of California. Nor was England the only power that coveted the territory. France, as well as Great Britain and the United States,

* Webster's Private Corr., II, p. 204.

† Von Holst Hist. of the United States, III, p. 177. Bancroft's History of California, IV, p. 595.

‡ Ibid., III., p. 451.

was interested in it. All three hoped to gain its possession.* This attitude served to increase the jealousy which each one of them entertained for the other two. For obvious reasons the United States was more susceptible to this influence than either of the others. So completely was the public mind dominated by that feeling that many believed that Great Britain was determined to prevent California's falling to this country, and perhaps to secure it for herself.† However groundless this opinion may have been, its effect upon this country was none the less potent. So intense was the jealousy aroused by this question that the most trivial movement on the part of either government outside of the ordinary routine was sufficient to cause the greatest excitement in the other.‡

Other matters also had a powerful influence in perpetuating that feeling. In general, the case of Texas, which has been incidentally referred to, was similar to that of California. Yet it differed in some important particulars. Doubtless this was due to its situation. Lying, as it did, on our southern border, Texas might constitute a valuable acquisition for the United States, or become a permanent check upon her expansion to the southward. This was clearly perceived by both France and England. Both of those powers were very anxious that it should not be annexed to the United States. Yet England, at least, did not desire Texas for herself. What she really wanted was that it should become and remain an independent power.§ Once firmly established as such, Texas would not only present a formidable barrier to the further expansion of the United States to the southwest,

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* Schouler's Hist. of the United States, IV, p. 446. Bancroft's History of California, IV. p. 262.

† Webster's Private Corr., II, p. 204. Ban. Hist. of Cal., IV, p. 595.

‡ Ban. Hist. of Cal., IV. p. 591.

§ Schouler's Hist. of the U. S., IV, p. 448.

but constitute an important rival in the production of cotton. Besides, if this condition was maintained, England would secure a valuable market for her goods without incurring the responsibilities of ownership.* With a view to reaping the advantages that would result from Texan independence, the British Government used all its influence to induce Mexico to relinquish her claims to that state on condition that it should not become annexed to any foreign nation.†

Although these purposes were imperfectly understood in the United States, they aroused the deepest resentment; this was more especially true among the people interested in the perpetuation and extension of African slavery. This class was eager to acquire Mexican territory in order to increase the area devoted to their peculiar institution. For that reason they were unwilling to see any part of the Mexican dominions pass into the possession of any foreign power. But with regard to Texas they were especially sensitive. They believed that they had been unjustly deprived of that region by the treaty of 1819, and were looking forward to the time when they should repossess it.‡ Hence, British intervention in the affairs of Texas was looked upon, by the Southerners, as nothing less than an infringement of their rights. And when the rumor became current that Great Britain was trying to induce the Texans to abolish slavery, it was easy for the slave-holders to believe that England was about to enter upon a direct crusade against that institution in our southern states and that Texas was to be made an instrument in its overthrow.§ Nor were the Southerners the only ones who believed that England would make use of Texas for the

* Bancroft's Hist. of North Mexican States and Texas, II, p. 338.
† Schouler's Hist. of the U. S., IV, pp. 448, 519.
‡ Schouler's Hist. of the U. S., IV, pp. 248 and 441, V, p. 219.
§ Ibid., IV, p. 482. Dem. Rev. XV, pp. 261-268.

purpose of putting down slavery. Many at the North were of the same opinion.*

Once possessed of that idea, the indignation of the slave-holders knew no bounds. So strong was this sentiment, even at the North, that many, who were bitterly opposed to the extension of slavery, were led to favor the annexation of Texas.† When this feeling had become strong enough, the scheme for the incorporation of Texas was successfully carried out and the way opened for the forcible acquisition of the coveted territory of California. This was accomplished in the course of the war which followed the annexation of Texas. One effect of this struggle was to confirm the suspicions which the United States and Great Britain entertained for each other. Moreover, the great increase in the territorial possessions of the United States must have made Great Britain more jealous of that Republic than ever before. Although defeated in her attempt to prevent the acquisition of Texas and California by the United States, Great Britain showed no disposition to abandon the continent to her American rival. No sooner did the results of the Mexican war become apparent, than the British Government redoubled its efforts to prevent the further extension of the United States at the expense of Spanish-America.‡ In carrying out this policy it was necessary to anticipate the movements of a powerful rival, which was supposed to be engaged in the execution of a well defined plan for indefinite territorial aggrandizement and commercial development.

At the close of the Mexican war the United States was apparently intent upon extending her dominions to the southward. The acquisition of California also gave that

* Von Holst Hist. of U. S., II, pp. 623, 624. Bancroft Hist. of the North Mexican States and Texas, Vol. II, p. 377.

† Bancroft's Hist. of the North Mexican States and Texas, II, p. 377.

‡ Ante. pp. 40-45.

Republic a direct and immediate interest in Central America because it possessed, what was generally believed to be the most feasible route for a water-way between the two oceans. Influenced by this consideration, the United States took measures for promoting her interests in that quarter.* Under those circumstances, the English thought it necessary to strengthen their hold upon Central America. In order to do that they must anticipate and defeat the supposed designs of the Americans. Hence they were led into a course of action which had the appearance of being determined by a well-defined and far reaching policy. The American people naturally believed that the course of Great Britain in Central America was prompted by unfriendly feelings toward the United States.† On the other hand, it is difficult to see how England and the other European powers could have regarded the rapid extension of the United States during the first half of the present century, together with its even more rapid development in power and influence, in any other light than a menace to the welfare of their possessions and the existence of the weaker nations of America. More especially is that true of the time under consideration. The people of the United States were then almost unanimous in proclaiming their destiny to occupy the whole American continent,‡ and the Government had shown its readiness to increase the area of the Republic, even at the price of dark intrigue and unprovoked aggressions upon its neighbors. The apprehensions of England for the permanency and welfare of her American interests were aroused and prompted her to take steps for their protection. This, in turn, served to confirm the suspicions of

* Ante. p. 58.

† Hansard's Parliamentary Debates, Vol. 140, p. 468. Dem. Rev. XXV, p. 534. Whig Rev. XII, p. 447.

‡ De Bow's Rev, IX, p. 568 and 569.

the United States. The course of the British will now claim attention.

When it became clear that the war with Mexico must result in the dismemberment of that Republic, the British contemplated, if they did not actually adopt, measures to protect it against the future aggressions of the United States. It is asserted that they endeavored to have incorporated in the treaty of Guadaloupe Hidalgo a provision binding the United States not to annex any Mexican territory without the consent of that Republic.* The expediency of colonizing a large part of the Mexican territory, in order to prevent its falling to the United States, was also suggested.† Nor was Great Britain neglectful of her own interests. As already indicated, she had long since acquired extensive interests in Central America. Owing to that fact and the probability that the United States would next attempt to secure a monopoly of the isthmian transits, the English turned their attention to that quarter. There they would be able to oppose the ambitious designs of the Americans without the inaugural tion of a new policy, or even a radical modification of the old one. Even before the close of the Mexican war, the English officials in Central America began to display unusual boldness in extending British influence. The Mosquito protectorate was proclaimed and the port of San Juan seized.‡ These movements were soon followed by the seizure of Tigre Island and other points along the Central American coast. With the detail of these proceedings and their effect upon that country we are already familiar.

Although Great Britain had regarded such a course essential to the preservation of her interests and influence

* Squier's Nicaragua, II, p. 289.

† London Spectator for 1846, II, p. 926.

‡ Ante. p. 45.

in Central America, the people of the United States took quite a different view of the matter. To them it seemed as though Great Britain was moved by a spirit of unfriendliness and jealousy to deprive the United States of a communication that was essential to the proper development of her commercial interests. Not a few of them thought that England was intent upon defeating the construction of a canal across the isthmus, in order to exclude the Americans from a share in the commerce of the East. In support of this opinion, it was asserted that a free water-way through Central America would be a menace to British supremacy in the commerce of that region. Such a channel would reverse the relative positions of the United States and Great Britain with respect to Asia. Under existing conditions England had three or four thousand miles the advantage of the United States in that traffic. But if a canal should be constructed across Central America and opened to the United States and Great Britain upon equal terms, that advantage would be transferred to the former.* Therefore, it was natural that many Americans should believe that Great Britain wished to defeat the construction of the isthmian canal. This will be more evident when it is remembered that Englishmen already recognized the United States as their most dangerous rival for the carrying trade of the world.† Moreover, such a highway would give added impetus to the rapidly growing foreign commerce of the United States and enable that power to invade the only quarter where Great Britain still maintained undoubted supremacy.‡

On the other hand, the course of the American people

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* Squier's Nicaragua, II, p. 283. Whig Rev. XV, p. 261.

† Hunt's Merchants' Mag., XVIII, p. 594. Hansard's Parliamentary Debates, Vol. XCVIII, pp. 1025, 1039; Vol. XCIX, pp. 576-578.

‡ Whig Rev., XV, pp. 260, 261, Hansard's Parl. Debates, Vol. XCIX, p. 37.

confirmed the fears of England concerning her commercial supremacy in the East. Elated over the rapid growth of the United States as a commercial and maritime power, the people of this country were looking forward to the time when it would become a successful competitor for the commerce of India and other Asiatic powers.* So well was this understood by the English people that many of them believed that the Americans desired Oregon and California in order to facilitate their commercial enterprises with the East.† Nor is it probable that this opinion was altogether groundless. At all events no sooner had the United States gained possession of California than the people began to talk much of American supremacy in the trade of the Pacific. In their opinion the only formidable obstacle in the way of realizing that result was the lack of direct communication between the Atlantic and Pacific coasts.‡ Nor can there be any doubt that the anxiety of the Americans to secure a more direct communication between the eastern and western portions of the Union was largely due to the belief that such a work would aid the United States to supplant England in the trade with Asia.§

Yet other considerations played an important part in creating the demand of our people for an interoceanic water-way. Among them may be mentioned the very common belief that without some more direct route to the Pacific possessions it would be impossible for the United States to maintain her jurisdiction there.‖ The force of this opinion can only be realized when it is recollected with what bitterness the factional and sectional strife was

* Hunt's Merchants' Mag., XVII, p. 597; XXII, p. 154.
† British and Foreign Rev., XVI, p. 563.
‡ Dem. Rev., XXIV, p. 426. De Bow's Mag., I, p. 69.
§ Ibid., VII, p. 5. Dem. Rev., XXIV, p. 427.
‖ Dem. Rev., XXIII, p. 412; XXVII, p. 537. Whig Rev., IX, p. 332.

raging in this country at that time. A strife that even then threatened the ties that bound the Union together. Hence, a more direct communication was regarded, by perhaps a majority of the American people, as essential to the integrity of the Union and its proper development as a commercial power.* Moreover, many were convinced that it would be impossible for the Government to defend the Pacific coast, in time of war, if it had to send troops and munitions around Cape Horn.† Yet in the opinion of a large portion of the American people the only practicable means for a more direct communication with the Pacific was a canal across the Central American isthmus. It may seem strange now that such views should have been general less than a half century ago. But at that time the region beyond the Mississippi River, known as the "Great American Desert," was almost universally believed to be not only uninhabitable but practically impassable.‡ Beyond this region were the Rocky Mountains and other ranges which apparently offered insurmountable obstacles to any land transportation. It was thought that railroads could not be built and successfully operated in that region. Nor were these opinions confined to the uninformed; they were common among men of learning and experience. Moreover, they had great weight with men occupying high governmental positions, among whom may be mentioned Mr. Clayton, himself.§ The expensive explorations conducted by the Government, a few years later, with a view to determining whether a transcontinental railroad was practicable, did not dispel

* Ex. Doc. 103, 1st Sess. of 34th Cong., p. 6. Cong. Globe App., 1st Sess. of 34th Cong., p. 76.

† Ibid., Pt. 2, p. 1421; App. p. 76. Squier's Nicaragua, II, p. 286. Sen. Ex. Doc. 27, 2nd Sess. of 32nd Cong. p. 32.

‡ De Bow's Rev., VIII, pp. 217-232.

§ Cong. Globe, 1st Sess. of 34th Cong., Pt. II, p. 1421.

the idea, even among the most intelligent classes, that such a work was chimerical.*

With these facts before us there is no difficulty in understanding why the people of that generation attached so much importance to an unobstructed water-way across Central America. Nor is it surprising that they were quick to resent the encroachments of Great Britain in that quarter. It is no exaggeration to say that there was very great danger of war with England unless some arrangement with her could be made, whereby all impediments to the construction and free navigation of the canal could be removed.

But this was not the only reason for fearing trouble with Great Britain and other foreign powers. Our people were much elated over the results of the late war, which were regarded, by a large portion of them, as demonstrating the "manifest destiny" of the United States to bring the whole American continent under its dominion.† Moreover, the greater part of the people within the slave-holding states were still anxious for the further extension of our dominions in those regions which were well adapted to their peculiar industrial system.‡ Looking on the inhabitants of the Spanish American Republics as scarcely superior to the aborigines, the proud Anglo-American of the South held the territorial rights of the one in about the same degree of respect as those of the other.§ In his estimation, the only thing that could give them any title to their country, which he was bound to respect, was their demonstrated ability to hold it against his cupidity.‖ But the unfortunate Span-

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*Ibid., App., p. 438. North Am. Rev., LXXXII, p. 235.
†Von Holst, Hist. of the U. S., III, p. 270. DeBow's Mag., IX, p. 167.
‡Schouler's Hist. of the U. S., V., pp. 175, 214, 215, 219, 296.
§Ibid., IV, p. 451.
‖Schouler's Hist. of the U. S. IV, p 451.

ish-Americans were as incapable of offering any effective resistance to the infringements upon their territorial rights, as they were of establishing and maintaining stable and efficient governments. Subject to perpetual revolution and civil war, which was conducted in the most inhuman and brutal manner, these petty republics presented such a pitiful example of unfitness for self-government that it is difficult to repress all feeling of sympathy for the slave propogandist who felt called upon to undertake their "regeneration." The stable rule of the Anglo-American, even though accompanied by all the horrors of African slavery, was immeasurably better and more humane than the anarchy and bloodshed that had prevailed almost continuously in those feeble states.

But the covetous desires of the masterful Americans were not confined to the region occupied by the Spanish-American states, but also included many of the European colonies on this continent. Without doubt the valuable possessions of Spain were the most tempting. Besides, the feeble grasp with which she held her colonies, together with the rapid decline of her power, caused many to fear that she would transfer them to a more capable European nation. They were especially anxious concerning Cuba,* which from its peculiar position would give its possessor the power of closing the Gulf of Mexico to our commerce. But this was by no means the greatest objection, at least to the slaveholders. They feared that it would fall to France or Great Britain and thus endanger the continuance of slavery in the United States.† Influenced by these considerations, a large portion of the American people had become more and more inclined to extend our

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* Wilson's Slave Power In Am., II, p. 610. North Am. Rev. vol. 166, p. 351. Cong. Globe XXI, Pt., 2, p. 1085.

† Schouler's Hist. of the U. S., III, p. 177.

dominions at the expense of the Spanish-Americans and even to wrest Cuba from Spain.* They also regarded with increasing disfavor the continuance of European dominion on this side of the Atlantic. As these sentiments became more influential there was a growing tendency to ignore the claims of European nations to dominion on this continent. "Manifest Destiny" was relied upon as a sanction for this course.† Progressively broader constructions were placed upon the Monroe Doctrine,‡ so that by the close of the Mexican war it had come to be a menace to the American possessions of all but the more powerful nations of Europe. As already indicated, those who favored this expansion of the Monroe Doctrine were also devoted to the interests of slavery. So evident was this, that the reactionary movement against the broad application of the Monroe Doctrine was originated by the opponents of that institution. Although these were in the minority they constituted an influential element in the Whig party and, therefore, gave a more or less characteristic trend to the administrations of Taylor and Fillmore.§

Some allusion has already been made to the growing opposition to slavery in the United States. By this time the agitation on the subject had become so heated that it gave color to nearly all our political discussions and had a corresponding influence on our legislation. Nor was it devoid of influence on the foreign policy of the United States. The conflict between the opposing factions regarding this question, was rapidly becoming more bitter because of the contest over the territory lately

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* North Am. Rev., Vol. 166, p. 351. De Bow's Rev., IX, p. 172.
† Ibid., p. 167. North Am. Rev., Vol. 166, p. 351.
‡ Reddaway's Monroe Doctrine, p. 131. De Bow's Review, IX, p. 176.
§ Ibid., V, p. 176. Hill's Memoir of Abbott Lawrence, pp. 88 and 89.

acquired from Mexico. So intense was the feeling aroused that talk of disunion was freely indulged in by the more radical elements of both parties. So imminent was the danger of disunion and civil war that there was a general acquiesence in the famous Compromise of 1850, notwithstanding the repugnance of its provisions to nearly all parties.

In a word, the great expansion of our dominions together with our rapid growth in population and wealth, had intoxicated the popular mind and rendered us insolent and aggressive toward other powers. This spirit had been greatly strengthened by the insatiable demands of the Slave Power. The dismemberment of Mexico and the menacing attitude toward Cuba and other regions suited to slavery, coupled with the constant and arrogant flaunting of the Monroe Doctrine and "Manifest Destiny" had aroused the suspicion of foreign powers and placed us in a very unenviable position before the world.* For these reasons our foreign relations were in a very unsatisfactory condition. This was especially true in the case of Great Britain, with whom we had long been competing for the control of this continent and supremacy in the carrying trade of the world. On the other hand, the domestic affairs of this country were in a most critical state. The agitation of the slavery question had taken on a sectional character and become so bitter as to threaten the dissolution of the Union. But that was not the only element of discord at that time. The question of our attitude toward the possessions of other powers was hardly less distracting. Besides, it complicated our relations with other nations and made it impossible for the United States to maintain a consistent foreign policy.

*Schurz, Life of Clay, II, p. 290.

Furthermore, there was such an urgent demand for a ship-canal across Central America, that the people were ready to resort to force if need be, in order to secure it.* But Great Britain was in possession of the key to the only feasible route for such a channel. To the popular mind this was no accident; but was the result of a well laid plan to deprive the United States of a passage-way that was essential to its integrity and welfare. For that reason the feeling against Great Britain was very bitter; and that too at a time when the whole country was elated over its unparalleled success in the recent conflict with Mexico. Obviously the danger of a war with England was imminent.

Such, in brief, was the state of affairs when the Whig party came into possession of the Government in March, 1849. The President and his Cabinet resolutely undertook the work of preserving the national authority at home and its honor abroad. The interests of the whole country were to be placed before those of any particular section or party. Peace was to be maintained with foreign nations at any price save that of honor. In order to carry out this policy, the Administration adopted a frank and dignified course in the conduct of our foreign relations. Its methods contrasted most favorably with those of the Polk Administration. This is especially true respecting Great Britain and Spanish-America. Instead of resorting to low intrigue for the purpose of despoiling the latter, efforts were made to cultivate friendly relations with those Republics. Their appeals for our intervention against the encroachments of Great Britain were no longer unheeded. They were assured of every assistance that could be given without impairing peaceful relations with England.† Steps were also taken for the

* Sen. Ex. Doc. 27, 2nd Sess. 32nd Cong., p. 26.

† House Ex. Doc. 75, 1st Sess. of 31st Cong., pp. 119 and 132.

establishment of closer relations with those states and the promotion of American influence there.

One of the most urgent duties of the new Administration was to provide for the opening of an unobstructed water-way across the isthmus. This involved two problems. In the first place, the necessary concessions for such a channel had to be obtained from the Central American states through which it would pass, and in the second, the obstructions offered by British pretensions in that quarter must be removed. The first of these, though not without its difficulties, was by far the less formidable of the two and, as we have already seen, was successfully accomplished by Mr. Squier in the summer of 1849.* The second, however, was of a more difficult and complex nature. As originally conceived, it involved nothing less than the ousting of Great Britain from all the positions in Central America which enabled her to menace or control the proposed water-way. The attempt to do that led to the negotiation of the Clayton-Bulwer treaty which will claim attention in the next chapter.

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* Ante p 65.

NEGOTIATIONS.

CHAPTER III.

The movement for freeing Central America from British obstructions to the proposed water-way was inaugurated early in the spring of 1849. On the second of May, Secretary of State Clayton wrote to George Bancroft, then United States Minister at London, regarding the British pretensions on the American isthmus. He also set forth the views and purposes of the United States concerning an interoceanic water-way through that region. He contended that Spain was the rightful sovereign of Central America until the successful revolt of her colonies, when her rights vested in the republics founded upon the ruins of her American Empire. Consequently there was no ground for the claim that the Mosquitos constituted a sovereign state. They were merely a tribe of savages, without the ability or inclination to establish a stable government, subject to the jurisdiction of Nicaragua or other states of Central America. Therefore, the United States Government could not allow the pretensions of Great Britain in their behalf to stand in the way of any rights which it, or its citizens might acquire in the isthmus. Accordingly, Mr. Bancroft was instructed to demand an explanation as to the purposes of the British Government in maintaining the Mosquito protectorate and holding possession of San Juan. Did it propose to set apart a portion of the territory in the vicinity of that port for its own use, and upon what principle? Did Great Britain claim the right to obstruct or control the

commerce of the San Juan River, or maintain forts and military establishments on its banks?

In case the British Government showed a disposition to do any of those things, Mr. Bancroft was directed to point out the inexpediency of any great commercial power's holding San Juan river in case it should become a highway for the nations of the earth. The United States neither desired such control for herself, nor would she consent to its being claimed by any other power. Yet the United States Government disclaimed all ambitious designs respecting Central America. It was impelled solely by a proper vigilence for the interests committed to its charge, and a due regard for those states whose rights it believed to have been invaded. In case his interview with the British officials should lead to the conviction that Great Britain would not recede from her pretensions in Central America, Mr. Bancroft was directed to present a formal protest and remonstrance against them. In order to give him the most complete knowledge of American views concerning these important matters a copy of the instructions to Mr. Squier was sent to Bancroft with this letter.*

These documents reveal the purpose of the United States regarding the matters under consideration. Evidently the Government was determined to protect its interests in an isthmian water-way. Furthermore, it would no longer remain indifferent to the aggressions of European powers upon the weaker states of this continent. In

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* This letter is found in House Ex. Doc. 75, 1st Sess. of 31st Cong., pp. 230 and 232.

NOTE—Clayton also directed Mr. Bancroft to obtain from the Costa Rican Minister at London, an assurance that he would not "commit" the rights of his country by any convention with Great Britain. Bancroft was further instructed to warn the Minister against ceding away any of Costa Rica's territory or her rights over it. The reason given for this was that "the safety of every American state whether in North or South America require of her to yield no further to foreign aggressions." See House Ex. Doc. 75, 1st Sess. of 31st Cong., p. 232.

a word, its policy was one of dignity and firmness, yet free from undue selfishness or ambitious designs. Under the existing conditions there can be no question regarding the wisdom of that course.

This will be made clear by recalling some of the more salient features of the situation described in the preceding chapter. In addition to the critical state of our domestic affairs, there was the most bitter jealousy subsisting between Great Britain and the United States. For reasons already given, this was especially true with regard to Central America. To make matters worse, that country was in a state of unrest and turmoil bordering on anarchy. Nearly all the states of that region were either subservient to British influence or involved in bitter controversies with her respecting territorial rights and dominion. These disputes related to more than one-third of Central America, including a large portion of both the Atlantic and Pacific coasts and also the more feasible routes for a ship-canal.* To add to the difficulty of the case, the former indifference of the United States to the aggressions of Great Britain in that quarter, enhanced the embarrassment of the Government. But that was not all. Rival American and English companies were competing for the right to open a canal across the isthmus.† Finally the United States Charge d'Affaires in Central Amarica was then engaged in negotiating a treaty with Nicaragua, which secured to the United States the exclusive privilege of constructing a ship-canal from sea to sea through the territories of that state, including the region claimed by Great Britain in behalf of the Mosquito King. Moreover, by the terms of that treaty the United States was bound

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* Ante. p. Dem. Rev., XXXI, p. 550. House Ex. Doc. 75, 1st Sess. 31st Cong. p. 153.

† Cong. Globe App. XXVII, p. 252. Sen. Ex. Doc. 27, 2d Sess. 32d Cong., 14.

to guarantee the sovereignty and dominion of Nicaragua over her territories;* a provision that must have brought the United States into collision with Great Britain had it ever been carried into execution.

Thus matters stood when Mr. Bancroft received Clayton's letter. He at once sought an interview with Lord Palmerston, but, owing to one cause or another, it was not till the middle of August that he finally obtained an opportunity to discuss the subject with the Foreign Secretary. On that occasion, Palmerston unhesitatingly denied that his Government had any intention of occupying or colonizing any part of Central America. With regard to the port of San Juan, he admitted that it was then occupied by Great Britain but insisted that the occupation was temporary.† Nevertheless, he manifested considerable opposition to restoring the port to Nicaragua. He also insisted that the interests of the United States and Great Britain in the place were identical, and intimated that the purpose of connecting the two oceans by a commercial highway would best be promoted by the policy England was pursuing.‡ On the whole, the results of this interview were not reassuring to Mr. Bancroft.

While awaiting an opportunity to sound Palmerston regarding the purposes of the British Government in Central America, Mr. Bancroft gave much attention to the study of the Mosquito question and similar subjects. Among them was the controversy between Nicaragua and Costa Rica respecting the territory on the south bank of the San Juan. In the course of his investigations he learned from the Costa Rican Minister that his state had never before claimed the port of San Juan, but regarded

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* Ante p. 59. House Ex. Doc. 75, 1st Sess. of 31st Cong., pp. 108, 234.
†‡ Ibid., p. 235.
§ Ibid., p. 233.

it as belonging to the province or state of Nicaragua. He finally became convinced that the claim of Costa Rica to the territory in question "rested on nothing historical, but only on the convenience of the natural boundary of the river San Juan." He also became satisfied that Great Britain would not recede from her pretensions in behalf of the Mosquito King.* Therefore, he began to prepare a statement embodying the views of his Government regarding British claims in Central America. This he proposed to present with the protest he was directed to make. But before these documents were finished he was recalled. Thereupon he presented the results of his investigations to the State Department and left the matter to his successor.†

Meanwhile, Mr. Clayton, ignorant of what had been done and anxious to avoid further delay, decided to entrust the further investigation of the subject to other hands. Accordingly, on August 16, he wrote to Mr. Rives, the newly appointed Minister to France, directing him to stop at London and interview Lord Palmerston concerning the interoceanic canal and the Mosquito question.‡ In the course of his letter Clayton mentioned the deep anxiety of the United States Government to avoid a collision with Great Britain. There was an urgent popular demand in the United States for a water-way from sea to sea across Central America. But British pretensions in that region offered a serious obstacle to the opening of such a channel. Hence there was great dan-

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*House Ex. Doc. 75, 1st Sess. of 31st Cong. p. 222.

NOTE.—While Bancroft was occupied with his investigations, Palmerston was busy trying to effect a settlement with Nicaragua that would secure a recognition of Mosquito claims and leave Great Britain in possession of San Juan. Failing in this, Palmerston boldly announced the determination of his Government to retain possession of San Juan. It was shortly after this that Nicaraguan agents at London proposed the annexation of their state to the United States. See House Ex. Doc. 75, 1st Sess. of 31st Cong., p. 236.

† House Ex. Doc. No. 75, 1st Sess. 31st Cong., p. 236.

‡ Sen. Ex. Doc. 27, 2nd Sess. 32nd Cong., p. 13.

ger of a rupture with that power unless she could be induced to relinquish some of her claims there. Only by the exercise of great caution and forbearance on both sides could that calamity be averted. He also stated that an American company had already secured a contract for a sea-to-sea passage by way of the San Juan river. That contract was incompatible with the British pretensions regarding the Mosquito Shore, and the British officials had objected to it. The United States Government, however, held that the state of Nicaragua, with whom the contract was made, possessed an irrefragible title to the territory claimed on behalf of the Mosquitos, and was about to enter into a treaty with that Republic regarding the matter.* But despite this apparent conflict of interests, it was the confident hope of the Government that the difficulty might be amicably settled. The United States wished to secure an interoceanic water-way that should be open to all commercial nations on equal terms, and it was believed that when Great Britain understood this, she would aid rather than obstruct the realization of that purpose. Therefore, Mr. Rives was instructed to lay before Lord Palmerston the views and purposes of the United States regarding an isthmian water-way. If he found that gentleman determined to maintain the Mosquito title, he was merely to inform the State Department of the fact.†

Upon his arrival at London, Rives at once sought an interview with Palmerston, but it was some weeks before he obtained one. While tarrying for that purpose, he gave his time to an investigation of the matters connected with the Mosquito Shore and the interoceanic channel. This had not been carried far before he became convinced

* Ibid., p. 13.
† Ibid., p. 13.

that the British Government had fully committed itself to an assertion of the Mosquito title and would adhere to that position. In his opinion, the extent to which Great Britain would build ulterior schemes on that title would depend upon the degree of opposition she encountered from other commercial nations. He declared that the policy of the British Government in connection with the Mosquito Coast had been a series of experiments upon the feelings and opinions of the rest of the world. It had advanced steadily step by step in the development and progressive enlargement of its claims.†

It was not till the latter part of September that Mr. Rives finally succeeded in laying the matter before Palmerston. At that time he briefly stated the views of his Government respecting the British claims in Central America, and pointed out the paramount interest of the United States in any means of communication that might be opened between the two seas. He then inquired what purposes were entertained by the British Government regarding Central America.

In reply Palmerston stated that from a very early period the British Government had treated the Mosquitos as an independent state. "They had," he said, "what was called a King. Who by the by," Palmerston added in a tone of pleasantry, "is as much a king as you or I."‡ Nevertheless, the British Government had from time to time, for more than a century, given them recognition and protection as an independent state. While affairs were in that condition, Nicaragua which had never been in possession of San Juan had forcibly occupied it and paid no attention to the notice from the British Government to quit. Thereupon the military and naval

† Ibid., p. 15.
‡ Ibid., p. 20.

forces of Great Britain had compelled her to evacuate the port. Moreover, the Nicaraguan Government had acted in bad faith when it granted a right-of-way through territory from which the Republic had been expelled. Consequently it had been thought best to give notice to the American Company that Nicaragua had entered into a contract with it concerning places where she had no competence.* However, the British Government had not taken possession of the mouth of the San Juan for the purpose of controlling the proposed canal. On the contrary, that Government was ready to join the United States in promoting the opening of a great channel by way of the San Juan river. Yet her Majesty's Government would not lend its support to that enterprise except upon the condition that the water-way should be declared a common highway for the use and benefit of all nations. Palmerston's position respecting the Mosquitos was equally clear. They were entitled to recognition as an independent state. This he insisted upon although he admitted that according to the usage of civilized nations the aborigines possessed only the right of occupancy which could be extingnished at the pleasure of the power discovering the territory so occupied. That rule, however, did not apply to the Mosquitos. Their case "was *sui generis* and stood on its own peculiar circumstance."† Still he gave no reason for this unique position beyond the fact that Great Britain had long recognized their indepence.

As a result of the conference, Mr. Rives became satisfied that the British Government did not desire an exclusive control of the proposed canal but was merely endeavoring to prevent the United States acquiring a

*Ibid., p. 20.
†Ibid., pp. 21-22.

monopoly of that passage. This he believed to be the real state of the case notwithstanding the great effort made to excite the jealousy of the British Government and people respecting the purposes of the United States in Central America. Finally, he was convinced that this interview had done much to remove the mutual distrust of the two nations and prepare the way for a satisfactory adjustment of their differences.*

In the meantime Mr. Hise had returned from Central America with the treaty which he had negotiated with Nicaragua regarding the canal.† As already indicated that instrument contained some highly objectionable features. Nevertheless it was well calculated to appeal to the popular prejudice against Great Britain. Especially was that true of the provisions which seemed to afford the means of checking the future aggressions of Great Britain in the vicinity of the proposed canal by giving the United States exclusive control of the transit. On the other hand, the treaty was sure to arouse the suspicions of Great Britain because of the exclusive nature of the grant to the United States. For those reasons its existence at that time was a source of anxiety to the Government. It was feared that the instrument would find its way into the newspapers. In that event the popular clamor for its ratification would be too strong for the Senate to withstand, and a collision with Great Britain would be the inevitable result.‡

In this strait Clayton laid the matter before the British Minister at Washington. The bearing of the treaty upon the relations of the two countries was discussed in a confidential way. Clayton not only called Mr. Cramp-

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* Ibid., pp. 22-23.

† British Blue Book on Cent. Am. Affairs for 1856, p. 1.

‡ British Blue Book on Central American Affairs, for, 1856, pp. 2, 4.

ton's attention to the objectionable features of the treaty but informed him that it had been negotiated by Mr. Hise on his own responsibility. The political situation in the United States was then considered and also the probable effect of the treaty should it become public. In the first place the Administration had no majority in the Senate. Moreover, so intense was the partisan feeling that the opposition would eagerly seize upon the treaty to promote its own ends. An effort would be made to force the Government into a collision with Great Britain, or else make it appear that the great advantages secured by the convention had been pusillanimously abandoned. In the present excited state of the country it would be an easy matter for them to accomplish one or the other of those objects. Hence it would require great caution to prevent the two countries coming into conflict over the intrinsically worthless Mosquito country. In conclusion Clayton requested Crampton to report the substance of this interview to Palmerston.†

By this time Clayton had apparently become satisfied that Great Britain would not assent to a complete and immediate abandonment of her pretensions in behalf of the Mosquitos. Hence, to insist upon a full relinquishment of those claims was to endanger the peace of the two countries and indefinitely postpone the construction of the proposed water-way. He, therefore, determined to enlist the co-operation of Great Britain in the building of an interoceanic canal that should be open to the commerce of all nations upon equal terms. He evidently believed that if Great Britain became interested in the opening of that channel, she would no longer have any motive for maintaining the Mosquito claims and would, therefore, withdraw the protectorate. Thus Clayton's

†Ibid., p. 2.

purpose regarding the British in Central America would be practically accomplished without endangering the peace of the two countries or the opening of the passage.

This plan seemed feasible since Palmerston had already stated that Great Britain was ready to join the United States in the construction of a canal providing it should be made a common highway for all nations.* Moreover, if the canal was opened to the world the more pressing demands of the United States would be satisfied, even though Great Britain should retain her hold upon the Mosquito Coast. Hence, in an interview with the British Minister, which took place on September 30, Clayton laid much stress on the importance of British and American co-operation in the construction of an interoceanic highway that should be open to all nations upon equal terms.

With a view to promoting that enterprise, he stated that the Government would reject the Hise treaty and unite in proposing a new treaty to Nicaragua, which should confer no exclusive privileges on either party. That instrument should also guarantee protection to any company possessing a suitable charter, that would undertake the construction of the work. Provision was also to be made for opening the proposed canal to all nations that would enter into like stipulations with Nicaragua.† Clayton contended that if this plan should be adopted Great Britain could have no object in maintaining the existing status of the Mosquitos, as she had no interest in that region apart from the isthmian transit. If England merely wished to prevent the establishment of a monopoly of the passage in any one nation there could be no real difficulty in arranging the matter, since the United States was equally anxious to secure the freedom of the transit.

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* Sen. Ex. Doc, 27, 2nd Sess. 32nd Cong., p. 46.

† British Blue Book on Central American Affairs for 1856, p. 3.

Moreover, if the Mosquito question was not settled in a satisfactory manner the canal would probably never be built for either Great Britain or the United States. Consequently the only practicable method was for both powers to renounce all claims to territory on the San Juan river. In conclusion both Mr. Clayton and President Taylor, who was present, urged the necessity of a speedy settlement of the difficulty in order to avoid a rupture between the two countries.‡

Thus matters stood when, in October, 1849, word was received that the Squier treaty and a canal contract had been concluded with the Government of Nicaragua. Those instruments at once became subjects of discussion between Clayton and the British Minister. Some of the treaty provisions were unacceptable to the United States because of their exclusive nature, yet as a whole the convention was more satisfactory than the Hise treaty. However, Mr. Clayton declared that both treaties would be held in abeyance till the British Government expressed its views concerning the co-operation of the two countries in the opening of the canal. From this it is evident that the Administration was anxious to effect a settlement with Great Britain. But mutual renunciation of dominion in the vicinity of the San Juan and the joint guarantee of protection to the proposed canal were regarded as essential. As an inducement for Great Britain to accede to such an arrangement the two treaties with Nicaragua were held in reserve. Should England withhold her assent, then one or the other of the treaties with Nicaragua would be ratified. Such action would, under the circumstances, be practically equivalent to a declaration of war against Great Britain, and the Government might count on the

‡ Ibid. pp. 4 and 5.

hearty support of the people in defending any rights it might have acquired through those treaties.* Obviously the British Government could hardly avoid considering the American propositions if it wished to prevent an open rupture with the United States. But it was well known that, notwithstanding the intense jealousy which she entertained for that power, England desired to maintain friendly relations with the United States. Hence the course adopted by the Administration was apparently well adapted to the object in view.

While the Government at Washington was engaged in developing this policy, Mr. Abbott Lawrence, the newly appointed Minister to England, arrived at London. On October 20, 1849, Clayton wrote him that one result of the conferences of Bancroft and Rives with Palmerston, was to reveal the determination of the British Government to sustain the Mosquito claims to sovereignty in the port of San Juan and the adjacent country. This he said, added much to the gravity of the situation since the United States could never allow British pretensions in the behalf of the Mosquitos to stand in the way of realizing a free passage-way to the Pacific coast. In the opinion of that government, Spain had acquired a valid title to the region which was now claimed by Great Britain for the Mosquitos, and whatever rights she possessed had passed to the republics that had been reared on the ruins of her former American Empire. Therefore, it could not recognize the Mosquitos as a sovereign and independent state, nor admit the right of any power to control the transit route in their name. Yet the opposition of the United States to such control did not spring from any desire for exclusiveness on her part, though she had "paramount interests, present and prospective in that channel of in-

* Ibid., p. 5. Sen. Ex. Doc. 27, 2nd Sess. 32nd Cong., p. 31.

tercourse between the two oceans." The United States wished to see the passage "perfectly untrammeled, or subject to such limitations as the owners of the land may (might) impose for the completion and security of the enterprise."* For this reason the United States was exceedingly anxious that Great Britain should so far recede from her pretensions in Central America as to leave the route by the San Juan free from obstruction or menace. In the opinion of the United States Government, the proposed canal ought to be free to the commerce of all maritime nations. Should England concur in that view, the United States was willing to enter into a treaty with her guaranteeing the freedom of the canal and the independence of Nicaragua, Honduras and Costa Rica. Such independence to be guaranteed without prejudice to any rights that British subjects might have acquired under treaty stipulations between Great Britain and Spain.† This, however, was subject to the provision that the limits of those states on the east should be acknowledged to be the Carribean Sea. As for the Mosquito Indians, a reservation might be set apart for them on condition that it should not interfere with the opening of an interoceanic communication through the territory so occupied.‡

As evidence of the good faith of the Government, Mr. Lawrence was instructed to lay the Squier treaty before the British Government and urge it to enter into similar stipulations with Nicaragua. He was also directed to tender the good offices of the United States in promoting that result, in case the suggestion should be accepted. Should England require any further pledge of her good faith, the United States would gladly enter into

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*Sen. Ex. Doc. 27, 2nd Sess. of 32nd Cong., p. 29.
†Ibid., pp. 29.
‡Ibid., pp. 29 and 30.

treaty stipulations with that power "binding both nations never to colonize, annex, settle, or fortify any part of the ancient territory of Guatemala, embracing Nicaragua, Costa Rica, Honduras and indeed the whole Mosquito Coast.*

Such, in brief, was the policy which the Administration of President Taylor adopted concerning the interoceanic communication. It was a policy, at once broad and liberal, yet not wanting in a proper regard for the interests of the United States. The Government was firm in its purpose to maintain the honor and promote the welfare of the country; still those objects were not to be attained by ignoring or trampling upon the rights of other nations. On the contrary, the Government was intent upon securing an international highway that should be open to the commerce of the world upon equal terms. If Great Britain would recede from her pretensions in Central America sufficiently to leave the transit route free from obstruction or menace, the United States would meet her in the spirit of self-denial and conciliation. But if Great Britain should persist in obstructing that work, the United States would insist upon constructing the canal even at the risk of a collision with that power.† But in order to avoid such a calamity and place the freedom of the transit on a secure basis, the United States would co-operate with England in guaranteeing the neutrality of the passage and would also renounce all right to occupy or colonize any territory in its vicinity. Such a policy was well adapted to the maintenance of peace between the two powers. Moreover, it would facilitate commercial intercourse and, therefore, tend to promote the establishment of peaceful relations among the nations of

* Ibid., p. 31.
† Sen. Ex. Doc. 27, 2nd Sess., of 32nd Cong., p. 31.

the earth. Besides, in adopting this policy, the Administration had committed the Government to a course that would benefit the weak little states of Central America. This was due not less to the shielding of those states from European aggressions than the committing of the United States to the non-extension of her territory except by voluntary cession and annexation. In a word, the rights of her American neighbors were to be respected by the United States and her influence employed to protect them from the encroachments of European powers. Yet there was nothing like flaunting of the Monroe Doctrine or an appeal to Manifest Destiny.

With regard to the canal, the policy adopted was not a new one. Our Government had been definitely committed to it since 1835.* It was also in accord with the principles which Mr. Clay laid down, as early as 1826,† for the control of any canal that might be opened across the isthmus. Moreover, the policy was one which had gained recognition in Europe. As early as 1838, Prince Metternich expressed the opinion that such was the only true course to pursue with respect to the Suez Canal and cited the treaty with reference to the Dardanells as affording a precedent.‡ Thus it is evident that the course of Taylor's Administration with respect to the canal was not only in accord with the policy hitherto maintained by the United States Government but was also in harmony with the more liberal actions of European powers regarding similar subjects. These facts are of interest as throwing some light upon the justice or injustice of the attacks made upon Mr. Clayton a few years later by those who favored an exclusive American control of any isthmian transit.

* Senate Journal, 2nd Sess. 23rd Cong., p. 238.
† Cong. Debates, 1828-9, V., App., p. 47.
‡ London Quarterly Rev., CXLII, p. 233.

Early in November, Mr. Lawrence obtained an interview with Palmerston. On that occasion the discussion turned principally upon the subjects of colonization in Central America and the neutralization of the proposed canal. Comparatively little was said about the Mosquito claims. This was not an accident. Mr. Lawrence purposely avoided that matter in order to obtain an early answer regarding other questions. Little or nothing new was brought out by this conference. Mr. Lawrence urged the importance of a water-way across the American isthmus that should be open to the commerce of all nations. That was what his Government was seeking. It did not desire an exclusive monopoly of that work, and could not consent that any other great maritime power should control it. Yet the United States was not influenced by ulterior designs respecting Central America. On the other hand, Palmerston denied that Great Britain desired a monopoly of the transit route. He also asserted that she had no political connection whatever with Costa Rica and did not intend to meddle with the political affairs of Central America, much less occupy or colonize any part of that country. In conclusion Palmerston expressed his willingness to give formal answers to any inquiries that Mr. Lawrence might present in writing.*

Mr. Lawrence left the conference in a hopeful state of mind and at once began the preparation of a formal note to Palmerston. Among other things he inquired whether Great Britain intended to occupy or colonize Nicaragua, Costa Rica, the Mosquito Coast (so-called) or any part of Central America.† He also asked Palmerston whether his Government would join that of the United States in guaranteeing the neutrality of a ship-

*Sen. Ex. Doc. 27, 2nd Sess. 32nd Cong., pp. 43-44.
†Ibid., p. 45.

canal or other means of communication across the American isthmus, which should be open to the commerce of all nations. Assurance was given that the United States had no ulterior designs regarding Central America and would doubtless be willing to mutually agree with Great Britain neither to settle, annex, colonize nor fortify that country. As in his interview with Palmerston, Mr. Lawrence confined his inquiries to these points. The object of that was to facilitate an early adjustment of the differences of the two governments respecting Central America. This he believed could be affected as soon as they came to understand each other's purposes.*

Doubtless this narrowing of the ground, as Mr. Lawrence termed it, hastened an understanding between the two governments and did something to allay the popular excitement in the United States. Nevertheless, it opened the way for the British Government to evade a more thorough discussion of the Mosquito question. It is also quite probable that the haste of the American negotiator strengthened the determination of the British Government to maintain its hold upon the Mosquito Coast and other portions of Central America. However that may be, it is certain that the ground once narrowed was never again expanded to the full extent contemplated by the early instructions from the State Department.

The British Government, however, did not think it advisable to ignore the Mosquito question entirely. In replying to Mr. Lawrence's note, Palmerston called attention to the fact that for about two centuries a close connection had existed between Great Britain and that state. The significance of this reference will appear presently. He also disclaimed all intention on the part of the British

* Ibid., pp. 44-45. British Blue Book on Cent. Amer. Affairs for 1856, p. 6.

Government to colonize any part of Central America. So far as the proposed canal was concerned, Her Majesty's Government was ready to co-operate with the United States in promoting the construction of that work, on condition that it should always be accessible to all nations. Moreover, the British Government would undertake to induce Mosquito to allow the port of San Juan to be used in connection with the proposed water-way. Palmerston also suggested that it would be necessary to secure the consent of Costa Rica before the San Juan River could be made a part of the channel. In conclusion, he assured Mr. Lawrence that the British Government would join the United States in making an agreement that neither one of them would settle, colonize or annex any part of Central America.*

It is evident from this reply, that the British Government had no intention of relinquishing its hold upon Central America. By implication, at least, it still sustained the Mosquito claim to sovereignty and avowed its close connection with that state. Under those circumstances, there was no need of claiming dominion there. So long as the intimate relations were maintained between the Mosquitos and Great Britain, the latter might exercise practical control over that part of Central America without settling or colonizing it. But British influence in that quarter was not confined to the Mosquito Shore. So long as Costa Rica remained subservient to Great Britain, and claimed the south bank of the San Juan, it was within the power of the British Government to dictate the terms upon which the sea-to-sea passage might be opened. In view of these considerations, it is not surprising that Her Majesty's Government still insisted upon the validity of

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*Ibid., pp. 7-8. Sen. Ex. Doc. 27, 2d Sess. 32d Congress, pp. 46-47.

Mosquitian and Costa Rican claims, or that it was ready to renounce all intention of occupying or colonizing that region. Under existing conditions, England was master of the proposed transit and that, too, without openly assuming dominion. But while Great Britain persisted in maintaining that attitude, the United States Government had little reason to expect an amicable adjustment of the Mosquito question, or a suitable arrangement for the neutralization of the transit. This became still more apparent when the British objected to the Squier treaty on the ground that it would, if ratified, require the United States to undertake the restoration of Greytown or San Juan to Nicaragua.* So impressed was Mr. Clayton with the unfavorable features of the British reply, that he declared that the offer of the British Government to co-operate with the United States in the construction and neutralization of the proposed ship-canal was materially qualified.†

Subsequently, Palmerston suggested that the isthmus should be examined, by parties acting under the auspices of the British and American Governments, in order to determine the most feasible route for an interoceanic transit. To this proposal Lawrence replied that, in his opinion, his government would not favor such an undertaking. He also called attention to the fact that the sentiment of the world had pointed to the Nicaragua route as the best one for a ship-canal. The chief obstacles in the way of opening a canal by that route were the disputes of the small republics in its vicinity and the conflicting claims of Mosquito and Nicaragua. Could these obstacles be removed, there would be no need of governmental interference, beyond guaranteeing the neutrality of the canal when completed. Viewing the matter in

* British Blue Book on Central American Affairs, for 1856, p. 8.
† Sen. Ex. Doc. 27, 2d Sess. of 32d Cong., p. 51.

that light, the United States Government could not but regret the course of Great Britain in obstructing the best route for a canal across Central America, by clothing a savage tribe with sovereignty. Yet it was the confident expectation of his government that this obstacle to the great enterprise might be removed without doing violence to the dictates of justice or philanthropy.*

By this time Mr. Lawrence had changed his mind concerning the Mosquito question. He now believed that this matter must be definitely settled before there could by any real co-operation of the two governments in the construction and neutralization of the canal. So thoroughly was he impressed with this view of the situation that, on December 14, he wrote Clayton that he would insist upon the withdrawal of the Mosquito protectorate, even though the British Government should yield everything else.† With that object in mind, he wrote Palmerston that unless the Mosquito protectorate was withdrawn the United States and Great Britain could not co-operate in the opening and neutralization of the proposed waterway. Without such co-operation the work would never be constructed. The only formidable obstacles to the opening of that channel were the boundary disputes between the Central American states, and the British protectorate of the Mosquitos. The first, he contended, might be removed by inducing those states to submit their differences to the arbitration of Great Britain and the United States; the second could be disposed of by setting apart a tract of country for the Indians. The expediency of such a course he urged, on the ground that the just demands of humanity required that the Mosquito territory should be thrown open for interoceanic communica-

* Ibid., pp. 49, 50. British Blue Book on Cent. Amer. Af. for 1856, p. 25
† Sen. Ex. Doc. 27, 2nd Sess. 32nd Cong. p. 53.

tion even though the Indian claims were valid. Lastly Greytown or San Juan must be dedicated to the use of the enterprise for without such an arrangement there could be no hope of securing the completion of the canal.*

In support of this view, Mr. Lawrence stated that the existing conditions tended to arouse jealousies and destroy confidence, without which capital could never be secured for the construction of the work. Besides, Nicaragua held the undoubted title to a large part of the route, and should she refuse the right to traverse her territory neither Great Britain nor the United States could justly take it by force. It was also certain that Nicaragua would not consent to the opening of the canal unless the integrity of her territory was recognized. In short, the sovereignty of the whole country must be recognized as inhering in the Spanish States. The Mosquito protectorate must pass to other hands under proper checks and guards for the humane treatment of the Indians. In conclusion Mr. Lawrence inquired whether Great Britian would be willing to enter into a treaty arrangement for carrying these suggestions into execution.†

No reply was made to this note. The illness of Mr. Lawrence about this time caused a suspension of the negotiations at London and before he had recovered sufficiently to resume them they were transferred to Washington. What the reason for this change was, is difficult to say. But it seems quite probable that the chief cause was the belief of the British Government that better terms could be secured at Washington than at London. However, that may be, Sir Henry Bulwer was sent to the United States to conduct the negotiations on behalf of Great Britain. Bulwer reached the United States about

* Ibid., p. 57. British Blue Book on Cent. Amer. Af. for 1856, p. 27.
† Ibid., p. 28. Sen. Ex. Doc. 27, 2nd, Sess. 32nd Cong., p. 57.

the time the negotiations were suspended in London and at once commenced the work assigned him.*

But before entering upon a consideration of his methods and proceedings it will be well to note the existing conditions and the progress already made. As we have seen, Clayton took the ground that Great Britain must withdraw from all territory that she held in the vicinity of the proposed canal.† This of course involved the relinquishment of the Mosquito protectorate. The purpose of this was to secure the permanent freedom and neutrality of the proposed transit. The negotiations were undertaken with that object in view. England, however, showed no disposition to relinquish her hold upon Central America. Yet she signified her willingness to co-operate with the United States in promoting the construction and neutralization of the proposed canal on the condition that it should be open to the enjoyment of all nations.‡ But the United States justly placed little value on the British offers of co-operation so long as England persisted in maintaining her pretensions in Central America. Moreover, the attitude of Great Britain toward that country and her recent seizure of Tigre Island raised the popular excitement in the United States to fever heat. The hostility toward England was growing more intense every day and the clamor for an isthmian transit was steadily becoming louder.§ To cap the climax the agitation of the slavery question in the United States had become so bitter that civil war seemed impending.

Such was the condition of affairs when Bulwer entered upon the execution of his mission. He was not long in

* Ibid., pp. 71 and 73. British Blue Book on Cent. Amer. Affairs for 1856, p. 28. Memoir of Abbott Lawrence by H. A. Hill, p. 84.

† House Ex. Doc. 75, 1st Sess. 31st Cong., p. 232.

‡ Sen. Ex. Doc. 27, 2nd Sess. 32nd Cong., p. 46.

§ British Blue Book on Cent. Am. Affairs for 1856, p. 31. House Ex. Doc. 75, 1st Sess, 31st Cong., p. 317.

comprehending the situation. To him it was apparent that the two governments could never agree respecting the Mosquito claims. It was also equally clear that the United States could have little or no interest in the Mosquito question except as it related to an isthmian waterway. Moreover, there was little reason to expect a serious divergence in the views of the two governments regarding the canal. Bulwer, therefore, determined to thrust the Mosquito question into the background, and press the subject of a free ship-canal to the front. In that way he hoped to bring about a good understanding between the two governments without materially affecting the existing status of Great Britain in Central America. Having explained his views to Palmerston, he expressed his conclusions in the following language: "Our great object therefore, as it has appeared to me, is to displace the discussion from the claims of Nicaragua and Mosquito on which it is unlikely that the two governments of Great Britain and the United States should agree, and bring it to the consideration of the canal on which it is almost certain that their views will be identical."* The best means, in his opinion, of doing that was by a convention between the two governments, for the purpose of facilitating the construction of the desired passage. This instrument should confer upon American commerce all it could desire to obtain without interfering in any way with the Mosquito protectorate.†

With this object in view, he at once began the negotiations. A variety of circumstances favored him. The popular demand for some arrangement was daily becoming more urgent. Congress had already yielded to its influence so far as to call for the correspondence relating

* British Blue Book on Central American Affairs, for 1856, p. 30.
† Ibid., p. 30.

to Central America and the proposed water-way, and the Executive believed it impossible to withhold the papers long unless some adjustment of the matter should be made. Yet so intense was the excitement in this country that serious consequences were feared should the documents be made public.* Besides, as we have already seen, it is probable that the Executive had become convinced that it was useless to insist upon the abandonment of the Mosquito protectorate prior to the construction of the proposed water-way, and was, therefore, ready to adopt any scheme which promised an early opening of the canal upon suitable terms.

Aided by the undue importance which both people and government attached to a transisthmian canal, Bulwer found little difficulty in forcing the canal question to the front. This done, he pressed the negotiations with such vigor that within a month from the time he wrote Palmerston regarding the policy he had determined to adopt, a project for the treaty had been agreed upon.† According to this project, the two governments were to provide for the protection and neutralization of the canal; to use their influence with the powers claiming jurisdiction in that region to facilitate the opening of the passage and the establishment of a free port at either extremity, and to invite other nations to unite in similar agreements for the protection of the proposed water-way. But the most important provisions of the project were those contained in the first and eighth articles. By the first of these each government was bound not to obtain or maintain for itself any exclusive control over the canal and was placed under solemn agreement to abstain from occupying or colonizing Nicaragua or any part of Central

* Ibid., pp. 35 and 36.
† Ibid., p. 37.

America, or exercising dominion therein. Moreover, each bound itself not to take advantage of, or use any alliance or intimacy which it had with any state or people of Central America for the purpose of obtaining any exclusive privileges in the canal. In the eighth article provision was made for the establishment of the general principle that if either one of the contracting parties should conclude to extend its encouragement to any scheme for connecting the two oceans, it should immediately invite the other to unite with it in so doing.*

In explaining his action regarding this project, Bulwer emphasized the fact that the real interest of the United States in the Mosquito question was due to the importance attached to an interoceanic communication through that region. Since the acquisition of California and Oregon such a channel had become almost a necessity to the people of the United States. Under those circumstances, an American company had procured, from Nicaragua, the grant of a right to construct such communication. This grant also conveyed various privileges of an exclusive nature. But such a scheme could not be carried out so long as the mouth of the San Juan was in the hands of the Mosquitos and under British protection. Moreover, it was generally supposed in the United States that Great Britain had placed the Mosquitos in possession of Greytown "expressly in order to get hold of this entrance to the canal passage for itself, and, at all events, to prevent its falling into the possession of or being subservient to the views of any other powers. On these grounds has arisen all the excitement here touching the British protectorate of the Mosquitos."† He further pointed out that it would have been impossible for Great

* Ibid., pp. 38 and 39.
† Ibid., pp. 36 and 37.

Britain to have favored the undertaking as contemplated by the United States. Neither could she have acquiesced in the Squier treaty, which expressly established a monopoly of trade for American citizens. Indeed, he regarded it as a fortunate circumstance "that Her Majesty's Government was in a position to make its consent necessary to a work of such universal importance."* But when both the American government and the canal company manifested a willingness to modify the treaty and canal contract, in the interest of universal freedom, there was no reason for Great Britain to oppose the construction of the work. Therefore, all that seemed necessary for the settlement of the matter was for each Government to disclaim any particular advantage it might have, whether it was derived from the Mosquito protectorate or from a treaty with Nicaragua.† This done, the governments might take for a basis of their good understanding the construction of the canal which offered benefits common to both. With these objects in view the convention was drawn up.‡ It sought to exclude all questions of dispute between Nicaragua and Mosquito, and to settle all that was essential to settle, with regard to the passage way between the two oceans. Bulwer did not pretend that it was satisfactory in all respects, yet he believed that it provided for the adjustment of the main question. Besides, it established a common policy for the two governments in Central America which had been of late "the scene of constant suspicions and angry rivalries" on the part of their agents. In conclusion Bulwer expressed his satisfaction with the treaty project in the following language. "I know it is an arrangement which

*Ibid., p. 37.
†Ibid., pp. 36-38.
‡Ibid., p. 37.

Mr. Lawrence could hardly have made in England and that I myself could not have made here except after much careful preparation and under favorable circumstances."*

Although this project had been agreed to and signed by Mr. Clayton, it was not favorably received by the Cabinet. Scarcely more than two weeks had elapsed after the project was sent to England, when Bulwer informed Palmerston that there were some objections to it on the part of Clayton's colleagues. Some of them held that Great Britain might still control a large part of Central America in the name of the Mosquitos, notwithstanding her agreement to refrain from exercising dominion there. In view of that fact he thought further explanations should be given in order to allay the suspicions and show that England was not endeavoring to drive a hard bargain. But apart from those considerations, the matter should be settled as soon as possible since it had produced so much angry excitement in the United States that there was danger of war if a settlement was long postponed.†

The British Government approved the project and authorized Bulwer to sign it. In order to quiet the apprehensions of the Americans, Bulwer was directed to prepare a statement that the British Government had no intention of making use of the Mosquito protectorate for doing under its cover what it had disclaimed the intention of doing in the letter to Mr. Lawrence, of November 13, 1849. This statement was to be delivered to Clayton at the signing of the treaty.‡

Nevertheless, the convention remained unsigned for a considerable time. Several things conspired to cause that

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*Ibid., p. 38.
†Ibid., pp. 41-42.
‡Ibid., p. 45.

delay. Unquestionably the most influential was the opposition of the Cabinet, but it is quite probable that its hostility was greatly increased by the British proceedings in Central America, including the seizure of Tigre Island and other points along the coast. The course of Great Britain had done much to strengthen and confirm the already prevalent suspicion that she was trying to get possession of the proposed channel between the two oceans.* Moreover, the British Government had openly proclaimed its purpose to satisfy its claims against the states of Central America, by any means allowed by the Law of Nations. In other words, it would not put into practice the great self-denying principle embodied in the treaty project lately agreed upon.† So intense was the feeling aroused by the attitude of the British Government that many, including Mr. Clayton himself, despaired of reaching a satisfactory settlement of the question in dispute. Influenced by this sentiment and desirous of protecting the interests of his

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* House Ex. Doc. 75, 1st Sess. of 31st Cong., p. 317. British Blue Book on Cent. Am. Affairs for 1856, p. 70.

NOTE.—When Mr. Clayton learned of the seizure of Tigre Island, he directed Mr. Lawrence to demand of the British Government a disavowal of the act, and stated that, unless such disavowal was promptly given, Squier's treaty with Honduras relative to the ship-canal would be submitted to the Senate for ratification without waiting for further negotiation, i. e., with Great Britain. He further stated that it was then palpable that it was the intention of the British authorities in Guatemala to seize upon, and assert British jurisdiction over, other parts of Central America. "We have not," he added, "desired to annex or colonize any part of that country, but we shall not be restrained by any act of the British Government from treating with Honduras and Nicaragua, and * * * from the assertion of any rights we may lawfully acquire by such treaties." (See House Ex. Doc. 75, 1st Sess. 31st Cong., p. 315). In obedience to this instruction, Mr. Lawrence, on January 27, 1850, informed Lord Palmerston that he was expressly instructed to demand a disavowal of the seizure of Tigre Island, before proceeding further with the negotiation. (House Ex. Doc. 75, 1st Sess. 31st Cong., p. 316.) It was not till the 13th of February that the formal disavowal was made by the British Government. Moreover, in the letter to Mr. Lawrence regarding that matter Lord Palmerston explicitly stated that the British Government would hold itself free to enforce its claims against Honduras by any means allowed by the Law of Nations. (Blue Book on Cent. Amer. Affairs for 1856, p 35.) In the United States this was construed as meaning that the British Government would seize and occupy, and claim dominion over any parts of Central America that it thought proper. (See Blue Book for 1856, p. 49.) Coupled with this was the frank admission of Palmerston that there was a body of men inclined to secure the canal in the hands of British subjects. (See House Ex. Doc. 75, 1st Sess. 31st Cong., p. 317.) It was in the midst of the excitement produced by these acts and statements that Mr. Clayton submitted the Squier treaty to the Senate for ratification.

† British Blue Book on Central American Affairs for 1856, p. 35.

Government, Clayton, in the latter part of March, 1850, submitted the Sqnier treaty to the Senate Committee on Foreign Relations.* This action was made the subject of complaint by Bulwer, who professed to regard it a breach of good faith. However, it had no result beyond delaying the negotiations.

Notwithstanding this reluctance of Clayton to sign the treaty, the negotiations had not been abandoned altogether. They were carried on in a desultory manner till April 19, when the treaty was formally signed. Only two changes worthy of note had been made in the original project. One of these was in the first article and was intended to preclude the possibility of either party's making use of an existing or future protectorate or alliance for the purpose of acquiring control over the canal or exercising dominion in Central America. The other was in the eighth article and provided that the parties to the treaty should extend their protection by treaty stipulation to any other transit across the isthmus. Bulwer explained to Palmerston that the first of these changes was necessary in order to place the United States under the same obligation as Great Britain respecting the occupation or colonization of Central America. He held that if the treaty had been signed in its original form and accompanied by the statement he had been authorized to make, Great Britain would have been bound as to the Mosquito protectorate, while the United States would not have been bound with regard to a like protectorate it might have over any state of Central America. Holding these views, he deemed it prudent to embody the substance of the British declaration to Mr. Lawrence in the treaty.†

In order to effect the desired object, he so modified

* Ibid., p. 49.

† Ante. p 107. British Blue Book on Central American Affairs for 1856, p. 56.

the treaty that its restrictions would apply to any government or people which either one of the contracting parties had or might have under its protection. It was his belief that the treaty, as signed, left each government free to maintain the opinions it had formerly held respecting the Mosquito protectorate. But the more important question of a free canal having been settled and the future relations of the United States and Great Britain regulated in all other parts of Central America, the Mosquito claims had lost their great practical significance. To his mind, the British relation with Mosquito had not been altered by the treaty. This is well shown by the following extract from his report to Lord Palmerston: "I need not say that should your Lordship wish to make any further statement as to the views of Her Majesty's Government with respect to the protectorate of Mosquito, that statement can still be made; nothing in the present convention is affirmed thereon, but nothing is abandoned."*

The treaty as signed by the negotiators was submitted to the Senate and, in spite of some opposition, ratified by that body without alteration.† Then it was sent to England where it received the unqualified approval of the Government, notwithstanding its failure to settle the questions growing out of the Mosquito protectorate.‡ Ac-

* Ibid., p. 56.

NOTE—About the same time Bulwer in writing to Palmerston, expressed himself as follows regarding the Mosquito question: "We have no longer any interest in maintaining the Mosquitos where they are, nor our protection over them in that locality. But still though the protectorate in question is of no avail to us we could neither withdraw it nor alter the condition of things on which it rests. But some arrangement might be made by which the Mosquitos could be withdrawn from the vicinity of the canal and thereby remove all cause of dispute." In response to this communicatioo, Palmerston stated that the existing condition of things was in many respects inconvonient. With regard to the Mosquitos, he suggested that while Great Britain was in honor bound to protect them such protection could be afforded in some other place just as well. In his opiuion, the boundaries of Mosquito should be fixed by treaty stipulations with the neighboring states, while San Juan and the territory in its vicinity should bo ceded to Costa Rica. See British Blue Book on Central American Affairs for 1856, pp. 57-59.

† The vote was forty-two to eleven in favor of ratification, Cong. Globe, App., XXVII, p. 267.

‡ Brit. Blue Book on Cent. Amer. Affairs for 1856, p. 58.

cording to the preamble the purpose of the treaty was to set forth and fix the views and intentions of the two governments with reference to any means of communication which might be constructed between the two oceans by way of San Juan River and Lake Nicaragua. In general terms, it provided that neither one of the contracting parties would ever obtain or maintain for itself any exclusive control over the proposed canal; both agreeing to abstain from "erecting or maintaining fortifications in the vicinity of the same—or occupying, fortifying, colonizing or exercising dominion over Nicaragua or any part of Central America," while both were prohibited from making use of any alliance, influence with, or protectorate over, any state or people in Central America for the purpose of securing an exclusive control of the said canal. Vessels of both countries, traversing the canal, were to be exempt from detention or capture in the time of war. Any company possessing the proper authority from the local governments and undertaking, in good faith, the construction of the canal, was to receive the support of the contracting parties. Both powers agreed to use their influence with the Central American states in facilitating the opening of the channel. Upon the completion of the proposed passage the contracting parties were to protect it against seizure or unjust confiscation and to guarantee the neutrality of the same. All nations on friendly terms with the United States and Great Britain were to be invited to join in the stipulations for the protection and neutralization of the work. It was also stipulated that any company which had already undertaken, in good faith, to open the passage should be given protection for the space of one year, in preference to any other. Finally, it was declared that the two governments in entering into the convention had not only desired to accomplish a par-

ticular object, but to establish a general principle. Therefore, they agreed to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railroad, across the isthmus which connects North and South America.*

This treaty having been ratified by the British Government, notice was given, under date of May 28, that the Queen's ratification would be prepared without delay.† But subsequently that Government appears to have become convinced that the treaty as ratified would necessitate the relinquishing of more in Central America that it considered either prudent or desirable. Accordingly, on June 8, Palmerston directed Bulwer to make the following declaration at the exchange of ratifications. "Her Majesty's Government do not understand the engagements of that convention as applying to Her Majesty's Settlement at Honduras, or its dependencies."‡ Lord Palmerston gave it as his opinion that the United States Government could raise no objection to receiving and assenting to this modification. If it should, Bulwer was not to proceed with the exchange of ratifications until he had received further orders from his government.§ But the American Government, however, was quite reluctant to accept the British declaration. Indeed, so strong was the opposition to its acceptance that, for a time, it seemed likely that the treaty would fail, unless the British Government should recede from its position.

When Clayton first received this declaration he resolved that he would not exchange ratifications upon it.‖ But upon further thought he concluded that he would be

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* Sen. Ex. Doc. No. 47, 48 Cong., 2nd Sess., pp. 440-444.
† British Blue Book on Cent. Am. Affairs for 1856, p. 58.
‡ Ibid., pp. 59, 60.
§ Ibid., p. 60.
‖ Cong. Globe App., XXIX, p. 91.

justly censurable if he should break the treaty on that account, especially when it seemed to offer the last chance of preventing Great Britain's obtaining a permanent foothold in Central America.* Accordingly, he undertook to devise some means by which the treaty could be saved without serious impairment. To that end, Clayton, assisted by the Attorney-General, urged the British Minister to accept a counter-declaration. This Bulwer, at length consented to do.† Thereupon, Clayton prepared a declaration in which he sought to neutralize, as far as possible, the objectionable features of the one presented by Bulwer. He took care to limit the somewhat indefinite expression, "Her Majesty's Settlement at Honduras, or its dependencies" by stating that the treaty was not understood "to include the British settlement in Honduras commonly called British-Honduras, as distinct from the State of Honduras, *nor the small islands in the neighborhood of that settlement*, which may be known as its dependencies."‡ So far as the title to this settlement was concerned, he declared that it had been his purpose throughout the whole negotiation to leave it as the treaty left it, without denial or affirmation. Moreover, he explicitly stated that the Senate did not understand the treaty as including British-Honduras. "It was intended," he continued, "to apply to and does include all the Central American States of Guatemala, Honduras, San Salvador, Nicaragua and Costa Rica with their just limits and proper dependencies."§ In addition to this, he distinctly stated that no alteration could be made in the convention as it then stood without referring the same to the Senate

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*Sen. Ex. Doc 13, 1st Sess. of 33rd Cong., p. 16.

†Ibid., p. 16.

‡British Blue Book for 1856, on Cent. Am. Affairs, pp. 63, 64. Sen. Ex. Doc. 12, 2nd Sess. 32nd Cong., pp. 2, 3.

§Ibid., p. 64.

and that of a consequence none of their acts could alter the treaty.

After considerable discussion, Bulwer consented to receive this counter-declaration and upon it the ratifications were finally exchanged, though it is asserted by Reverdy Johnson, who conferred freely with both of the negotiators, that it was distinctly understood by both Clayton and Bulwer that the declarations were of no validity in law and could not affect the treaty.* That such must have been the case is evident from the most casual consideration of the facts. As already stated, Clayton informed the British Minister that no alteration in the treaty could be made without the assent of the Senate, a fact of which neither Bulwer nor his Government could have been ignorant. But even more conclusive on this point is that the question of modifying a treaty by the declarations of the negotiators had been raised on more than one occasion and decided in the negative. Moreover, scarcely a year had elapsed since this question came up in connection with the treaty of Guadaloupe Hidalgo.† In this instance the Government had taken the ground that the declarations of negotiators, not submitted to the Senate, could not alter the treaty provisions. Of this decision the British Government had been officially informed, at the time, by Mr. Clayton, himself, as Secretary of State.‡

To this counter-declaration, Bulwer replied that he understood that Clayton did not deem himself called upon to mark out the exact limits of the British settlement at Honduras etc., but that he fully recognized "that it was not the intention of our negotiations to embrace

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* Cong. Globe, XXIX, p. 91. Sen. Ex. Doc. 13, 1st Sess. 33rd Cong., p. 17.
† Ibid., p. 17.
‡ Cong. Globe XXIX, p. 91.

in the treaty of the nineteenth of April whatever is Her Majesty's settlement at Honduras nor whatever are the dependencies of that settlement; and that Her Majesty's title thereto subsequent to the said treaty will (would) remain just as it was prior to that treaty without undergoing any change whatever in consequence thereto. It was not the intention," he continued, "of Her Majesty's Government to make the declaration . . . more than a simple affirmation of that fact, and consequently I deem myself authorized to exchange the ratifications."*

Under those circumstances the exchange of ratifications took place July 4, 1850, and on the following day was duly proclaimed by the President. Thus was completed the treaty which the negotiators, as well as many others on both sides of the Atlantic, fondly believed would inaugurate a new era in international relations. It had not only removed an imminent danger of war but was to become the harbinger of a closer and more friendly relation between the two great powers that had negotiated it. At the same time, it would facilitate the speedy construction of a work that was destined to change the commercial aspect of half the globe. Doubtless these considerations had very great weight with the negotiators themselves and afford the explanation of their action respecting the final exchange of ratifications. As already pointed out, Mr. Clayton did not think he would be justified in allowing the treaty to fail because of the British declaration.† On the other hand, it is quite probable that Bulwer was equally unwilling to have the convention destroyed. Otherwise it is difficult to account for his acceptance of the counter-declaration of Clayton, which materially modified the more important parts of his own.

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*British Blue Book, for 1856, on Cent. Am. Affairs, p. 64.

†Cong. Globe, App. XXIX, p. 91.

Both he and Clayton were anxious to save the treaty, believing that it was essential to the preservation of peaceful relations between their governments. Therefore, they felt themselves justified in preserving the convention even at the cost of leaving some questions open for future adjustment. The wisdom or folly of this course must be determined from the subsequent history of the instrument.

It is to be observed that the treaty did not provide for carrying out fully the wishes of either party. As already indicated each of the governments was obliged to concede something to the demands of the other in order to effect any arrangement at all. Which one made the greater concessions is difficult to say; but certain it is that the United States did not surrender everything to demands of Great Britain. For proof of this it is only necessary to refer to the course of the British Government in trying to exempt Belize and its dependencies from the operation of the treaty. If the treaty had contained nothing adverse to her pretensions in Central America, Great Britain would have had no motive for excepting Belize or any part of the country from its operation. On the other hand, if the wishes of the United States had been fully realized there would have been no occasion for the long and bitter controversies that subsequently took place concerning the Mosquito protectorate, for there would have been an unqualified abandonment of it, and, therefore, no ground for a difference of opinion regarding the right to maintain it. In truth, the treaty of 1850 was the result of an attempt to adjust a conflict between interests which each power regarded as essential to its welfare. Under those circumstances it was inevitable that any arrangement which might be effected between the United States and Great Britain would be a compromise. Whether there was an equitable

division of the concessions which they made has been, and probably will continue to be, a disputed question. Moreover, it is a question upon which it is impossible to form an intelligent opinion until the results of the treaty have been considered.

CHAPTER IV.

Although much was expected from the treaty in the way of restoring harmony between the two governments, events soon proved such expectations to be ill-founded. The conditions both in the United States and Central America, were most conducive to the development of jealousy and distrust between England and the United States. Nor was the treaty itself well adapted to the removal of suspicion and ill-feeling. But the restoration of confidence and a good understanding between the two governments was a condition precedent to their co-operation, without which the treaty could not go into successful operation, and unless it was efficiently executed, the most undesirable results were sure to follow. The treaty, however, was not properly carried out, and it now becomes necessary to trace the causes of its failure and note the effects.

In the first place, it will be well to give some attention to the state of affairs when the treaty was to go into operation. Hardly had its conclusion been proclaimed in the United States when the death of President Taylor produced a change in the attitude of the government toward Spanish-America, that was far from reassuring to European powers. The change of administration made Great Britain apprehensive lest the Squier treaty might be ratified, thereby securing to the United States exclusive privileges in the proposed ship-canal.* Both of these considerations

* British Blue Book on Cent. Am. Affairs for 1856, pp. 69-72.

must have retarded the action of Great Britain in carrying out the treaty, even though other circumstances had been favorable. But unfortunately the case was quite otherwise. In fact, the unsettled condition of the isthmus afforded one of the chief obstacles to the successful execution of the convention. At the time it should have gone into operation, the states of that region were in an unusually distracted condition, even for a Spanish-American country. The controversy over Mosquito and Greytown still continued with no prospect of an immediate settlement;* Costa Rica and Nicaragua were on the point of an open rupture, to say nothing of similar quarrels in other parts of that unfortunate region, and foreign intrigue was as active as ever.† But, for the most part, these disputes and intrigues related to territory that was traversed by the canal route and for that reason had a direct bearing on the relations of the United States and Great Britain to each other. The latter, as the possessor of Greytown and the ally of Costa Rica, was enlisted in opposition to Nicaragua; both interest and inclination drew the United States to the side of that Republic. Thus, from one cause or another, the parties to the Clayton-Bulwer treaty found themselves arrayed on opposite sides of the Central American imbroglio.‡ This circumstance tended to prolong the controversies and thus delayed the execution of the treaty. England could not withdraw from Greytown and the Mosquito Shore without effecting a settlement with Nicaragua. An unconditional relinquishment of her claims in behalf of the Mosquitos would involve the sacrifice of honor and the surrender of important interests. On the other hand, Nicaragua, angered by the aggressions

* Sen. Ex. Doc. 25, 1st Sess. 34th Cong., pp. 6-25.

† Brit. Blue Book on Cent. Amer. Af. for 1856, pp. 94 and 95.

‡ Whig Rev., XII, pp. 441-455. British Blue Book on Cent. Amer. Af. for 1856, p. 92.

of the English and confident that the United States would support her claims, was in no mood to accept anything less than an unqualified restoration of Greytown and the complete abandonment of the Mosquito protectorate.* Consequently the prospect was not encouraging for a speedy settlement of the controversy between Great Britain and Nicaragua. For similar reasons the chances were narrow for an amicable adjustment of the territorial dispute between Costa Rica and Nicaragua. Obviously, the conditions were most unfavorable for the accomplishment of the purpose for which the Clayton-Bulwer treaty was concluded. Indeed, so formidable were the obstacles, resulting from the causes mentioned, that it may well be doubted whether a more comprehensive and less imperfect instrument than the convention of 1850 would not have failed of its purpose.

But, unfortunately, that instrument contained provisions which if they did not directly sanction some of the most potent causes of the existing evils, at least, made no provision for their speedy removal. Therefore, if the treaty did not enhance the difficulties of the situation, it, at least, added to the disappointment resulting from the continued distrust and ill-feeling between the United States and Great Britain. However, it is not to be inferred from this that it is our intention to speak disparagingly of the treaty. All that is meant, is that, under the existing conditions, too much had been expected from the convention. Clearly it was impossible for the two governments to make a treaty that would provide for the complete and speedy adjustment of all the questions growing out of the Central American controversy. Moreover, supposing that the treaty had made complete provision for such adjustment, it is altogether probable that it

† Sen. Ex. Doc 25, 1st Sess. 34th Cong., pp. 12-14 and 22.

would not have gone into operation at all. But that the Clayton-Bulwer treaty was not understood to make provision for a full and immediate settlement of all the difficulties growing out of the Central American question is evident from the language of the instrument itself. If other evidence were needed to establish that point, it would only be necessary to refer to the statements and correspondence of the negotiators themselves. Hardly had the ratifications been exchanged when both of them suggested the propriety of opening negotiations for supplementing the work thus begun, and within a few weeks after the treaty was proclaimed negotiations were actually undertaken.*

If now it be asked why the negotiators framed a treaty which fell so far short of a complete adjustment of the difficulty, the answer is they recognized the necessity of coming to some agreement, even though it was an incomplete one. Without an understanding there was great danger of an armed conflict between England and the United States,†—a contingency to be avoided at every sacrifice short of national honor. Hence, when they found it impossible to agree upon some points, they wisely decided to compromise the matter and rely upon time and change of circumstances to effect what they were unable to do. The greatest obstacle to a complete agreement was the Mosquito protectorate. At the outset, the United States insisted upon a full relinquishment of the British pretensions in behalf of Mosquito, and the cessation of all interference in the affairs of Central America.‡

But this England would not and, indeed could not do, without openly acknowledging that all her intervention in

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* British Blue Book on Cent. Am. Affairs for 1856, p. 78.

† Cong. Globe App., XXVII, p. 286.

‡ Sen. Ex. Doc. 27, 2nd Sess. of 32nd Cong., pp. 32, 34.

behalf of the Mosquitos, including the forcible seizure of Greytown, had been a wanton aggression upon a weak and defenseless state. Furthermore, such a withdrawal would have been little less than a betrayal of her ancient allies, and an abandonment of her subjects who had established themselves in that country. After all, the withdrawal of Great Britain from Central America was a matter of secondary importance. What the United States really desired was an unobstructed communication between the two seas.* It was this that first drew the attention of the United States Government to Central America. Providing the interoceanic passage was opened and placed on a satisfactory basis, it was a matter of comparatively little moment whether the Mosquito protectorate was wholly relinquished at once, or not. Therefore, the American Government had no valid reason for insisting on the immediate abandonment of the protectorate, providing it was so restricted as to prevent its becoming either an obstacle to the freedom of the transit, or an instrument for maintaining or extending British dominion in that quarter. In other words, the real purpose of the United States would be accomplished if the protectorate was reduced to a merely nominal existence. Besides, such an arrangement would afford the British Government an opportunity to withdraw from the protectorate with credit. In view of these considerations, it is not surprising that the two governments should have agreed to recognize the nominal existence of the protectorate. Yet it was the undoubted purpose of the negotiators to provide for the ultimate extinction of that protectorate. And had the circumstances of the time been less unfavorable, or had the two governments been able to overcome their

* Brit. Blue Book on Cent. Amer. Af, for 1856, pp. 6 and 30. Sen. Ex. Doc. 27, 2nd Sess. 32nd Cong., pp. 32 and 33.

suspicions and enter seriously upon the task of carrying the treaty into execution, there can be little doubt that the protectorate would have been terminated in a short time. But, unfortunately, neither one of the contracting parties was able to fulfill its part of the agreement, and the anomalous condition of affairs in Central America intensified the mutual jealousy. The result was that both governments were led into untenable positions regarding their rights and duties under the treaty. Owing to this fact and the peculiar relations which England sustained to Central America, the British Government was soon betrayed into a clear violation of the treaty. That prepared the way for the long and bitter controversies respecting the convention which followed.

Before entering upon a consideration of these controversies, some attention will be given to the efforts of the two governments to complete the work begun by the convention of 1850. The necessity for supplementing the treaty was clearly recognized by both governments, even before it was concluded. For that purpose, negotiations were almost immediately opened. This work was undertaken by Mr. Webster, who had succeeded Clayton as Secretary of State, and Sir Henry Bulwer. Their task included not only supplementing the treaty of 1850, but also the settling of the disputes respecting the final disposition of Greytown and the territory in the vicinity of the San Juan.* Since the settlement of these questions was essential to the successful operation of the treaty, that matter was taken up first. But the efforts of the negotiators were hampered by the jealousy with which their governments regarded each other, as well as the bitter feeling toward Great Britain which prevailed in Central

* British Blue Book for 1856, on Central American Affairs, pp. 65. 67, 68 and 69. Sen. Ex. Doc. 25, 1st Sess. 34th Cong., p. 18.

America at that time. Owing to this fact, it was not till the Spring 1851, that a plan of settlement was agreed upon. This was largely due to the conflicting views concerning the disposition to be made of Greytown. England, on the one hand, urged that it should be placed under the jurisdiction of Costa Rica, while the United States contended that it ought to be restored to Nicaragua.* Doubtless suspicion of each other's motives was the most influential factor in determining the attitude of the two governments in this particular. That such was the case with Great Britain is evident from the fact that she was only brought to consent to the restoration of Greytown by the agreement of the United States Government to negotiate a new treaty with Nicaragua, which should not give to it such exclusive privileges as the Squier treaty conferred. This point settled there was apparently some prospect of a final adjustment.† Bnt no sooner did the United States undertake to carry out its part of the agreement than the whole negotiation was brought to a sudden stand by the announcement of the Nicaraguan Government that it would sign no treaty of commerce and navigation with the United States or Great Britain unless, at the same time, some arrangement was made respecting Greytown and the Mosquito Shore. This occurred in June, 1851, and revealed the difficulty which attended the settlement of the vexatious question.‡

Meanwhile the course of events at Greytown had forcibly reminded the two countries that there was an urgent need of coming to a definite understanding concerning the status of that place. The Mosquito King still held sway there, upheld by a British naval force and

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* British Blue Book on Cent. Am. Affairs for 1856, pp. 97, 98, 99.
† Ibid., pp. 97 and 98.
‡ Ibid., p. 99.

guided by British counsels. This was a constant source of irritation to the American Ship Canal Company, as well as the Nicaraguans. The company often sought to evade or disobey some of the ordinances established by the Council at Greytown. Hence, a collision between it and the authorities was only a question of time. The occasion for one was not long delayed. In November 1851, the Prometheus, one of the company's steam-ships, refused to pay the port charges levied by the municipal authorities of Greytown. Notice was served that the ship would not be allowed to leave the port till the dues were paid. Without heeding this warning, the steamer weighed anchor and started on her way, whereupon the British brig of war, Express, fired upon and compelled her to return.* The port dues were then paid, under protest, and the ship proceeded on her voyage. The case being reported to the Government at Washington, a representation was made to the British Government and a disavowal of the act demanded. This was promptly given when the facts were learned, and the British consul and naval officers at Greytown were forbidden to repeat the act.†

The case is of interest in this connection not only as showing the real condition of affairs at that port, but because it called forth the first formal expression of opinion from the two governments regarding the true construction of the Clayton-Bulwer treaty, so far as it related to the exercise of dominion by either of them in Central America. The United States Government held that, according to the stipulations of the Clayton-Bulwer treaty, Great Britain was bound to abstain from the exercise of any

* Ibid., pp. 102 and 103. Sen. Ex. Doc. 6, 1st Sess. 32nd Cong., pp. 2 and 3.
† Ibid., No. 30, pp. 2 and 8. Brit. Blue Book on Cent. Am. Af. for 1856, pp. 103 and 115.

jurisdiction in Mosquito or any portion of Central America.* Earl Granville stated in reply, that the British Government could not accept that construction because it did not understand that it was precluded from protecting the Indians, but only restricted from "occupying, fortifying . . . or exercising dominion over the Mosquito Coast etc. And," he continued, "Her Majesty's Government will therefore resist any attempt on the part of Nicaragua or any other Power, to take possession of Greytown or any portion of the Mosquito territory, until some arrangement is concluded between the United States and Great Britain, by the negotiations you are now conducting with Mr. Webster on this question."†

Thus we see that the views of the two governments respecting their rights under the treaty, were far from compatible. Although it is probable that the United States Government was disposed to press unduly the restrictions imposed by the convention, there can be no question regarding the soundness of its position in this particular instance. On the other hand, the British Government was, under the terms of the treaty perfectly justified in claiming the right to afford protection to the Mosquitos. But it is to be noted that this right was limited by the stipulations forbidding the occupation, fortification and exercise of jurisdiction. In other words, the protection which could be afforded was of a temporary character and restricted within very narrow limits. Doubtless, under the terms of the treaty, England had a perfect right to interfere to protect the Mosquitos against the invasion of their territory or their forcible expulsion from Greytown. But England was not authorized to

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* Sen. Ex. Doc. 6, 1st Sess. 32nd Cong., p. 6. British Blue Book on Central American Affairs for 1856, pp. 110 and 129.

† Ibid., p. 127.

maintain an alien government at Greytown, much less a British government. In doing so, she not only occupied the territory but also exercised dominion over it and, therefore, was violating the treaty.

Though this event at Greytown caused no interruption of the peaceful relations of the two governments, it revealed the necessity for a speedy adjustment of the whole question at issue. Accordingly, the British Minister at Washington was instructed to renew the negotiations. In connection with these instructions, various suggestions were offered in the hope that some of them might be used as a basis for the removal of the difficulties. It was stated that Her Majesty's Government would not be disposed to make any difficulty about any arrangement which should be compatible with the honor and character of Great Britain. But as for Nicaragua, it was suggested that if a satisfactory settlement could not be made with her then the United States and Great Britain should agree between themselves what should be done with Greytown.*

However, a considerable period elapsed before any progress was made. This was due not less to the divergent views of England and the United States than to the total inability of Nicaragua and Costa Rica to agree upon a settlement of the boundary disputes between them. As already stated, the British supported the Costa Rican claims as conducive to their interests, while the United States favored the claim of Nicaragua. Besides, the Accessory Transit Company had been formed and had opened a communication across the isthmus which was much used by the California emigrants.† One result of this was the collection of a more or less lawless popu-

* Ibid., pp. 124 and 126.
† Ante. p. 66.

lation at Greytown. This element was opposed to the existing government and, therefore, ready to lend assistance to any scheme which promised the overthrow of British rule at that place. Under those conditions, the danger of a collision between the inhabitants of Greytown and the authorities was very great. Deeply impressed with that fact, the governments of the United States and Great Britain hastened to make a temporary arrangement for maintaining the authorities at that port, pending the final adjustment of the difficulties.* In harmony with this agreement both parties sent naval forces there, with instructions to act in concert in supporting the Mosquito authority at Greytown.†

Having failed to accomplish anything in the way of a settlement with the representatives of the Central American States, the British Minister and Mr. Webster decided to continue their negotiations independent of them. Their object was to formulate a plan for the final disposal of the matter that would be acceptable to their governments and then endeavor to induce Nicaragua and Costa Rica to accept it.‡ On April 30, 1852, a project was agreed upon and signed by Webster and Crampton. This project provided that Greytown and a considerable tract of country on the north of the San Juan River should be ceded to Nicaragua, and a reservation set apart for the Mosquitos. The Indians were to have the net receipts of all duties collected at Greytown for a period of three years. All grants of land in that vicinity, made since 1848, were to remain undisturbed, providing they did not interfere with the privileges of the canal company. The Mosquitos were to be left free to form a voluntary union

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*British Blue Book, for 1856, on Cent. Am. Affairs, pp. 134 141.
†Ibid., pp. 135 and 136.
‡Sen. Ex. Doc. 25, 1st Sess. 34th Cong., pp. 70 and 77.

with Nicaragua. Provision was made for carrying out the stipulations of the Clayton-Bulwer treaty so far as they related to the protection of the Ship Canal Company and the establishment of a neutral region at either extremity of the channel. It was also recommended that the boundary between Nicaragua and Costa Rica should be fixed at the south bank of the San Juan River, thus securing to Costa Rica the territory she claimed. Besides that Costa Rica secured some rights of navigation on the river and lake.*

This arrangement having been agreed upon, steps were immediately taken to secure its acceptance. To that end a special commission was constituted to lay the matter before those governments.† As might have been anticipated, Costa Rica promptly accepted the proposal which gave her substantially all she had been contending for in the controversy with Nicaragua. On the other hand, Nicaragua quickly rejected it, as an unwarranted sacrifice of her rights.‡ In taking this stand, she had the sympathy and moral support of a large portion of the American people, who looked upon the scheme as an undue concession to British interests, as it undoubtedly was.§ Yet it is not to be inferred from this that the course of Webster in assenting to the project was unwarranted. There is no sufficient evidence that he was satisfied with it, or that his assent would have been given except as a means of reaching a compromise upon a difficult and embarrassing question. It is well to bear this in mind since British writers are prone to lay much stress upon Mr. Webster's course in this matter as affording a

* Ibid., pp. 73-77. British Blue Book on Cent. Amer. Affairs for 1856, pp. 155-158.

† Ibid., p. 157. Sen. Ex. Doc. 25, 1st Sess. 34th Cong., pp. 71-77.

‡ British Blue Book on Cent. Amer. Af. for 1856, pp. 181 and 194. Sen. Ex. Doc. 25, 1st Sess. 34th Cong., pp. 91, 92, and 103-104.

§ Dem. Rev., XXXI, pp. 337-352.

strong argument in favor of their claims in behalf of Mosquito and Costa Rica. But the correspondence which passed between the British Government and its representative at Washington shows beyond all question that the project was a compromise, in which both parties were compelled to yield much in order to reach any agreement at all.* Nothwithstanding the refusal of Nicaragua to accept the plan, she signified her willingness to submit the disputed questions to an impartial tribunal. Of course, this action on her part was denounced as unreasonable by the British officials and Government, who now proposed to undertake the settlement of the matter with the United States independent of Nicaragua. Negotiations looking to that end appear to have been opened, though nothing was accomplished.†

In the meantime, the government of Greytown had taken on a new aspect. The population, which was largely English and American, early manifested a desire to have a share in the government of the place. So strong did this sentiment become that the British-Mosquito Government authorized the formation of a constitution for the town. Accordingly, a constitution was adopted and went into operation. From this time on there was little or no recognition of the Mosquito authority.‡ While this change tended to lessen the danger of an immediate outbreak, it was very far from removing the possibility of such an occurrence. Consequently, the affairs of that region remained in a very critical state after three years of fruitless negotiation for their adjustment.

While matters were in this unsatisfactory condition, the British Government took a step which greatly in-

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* British Blue Book on Cent. Amer. Af. for 1856, p. 165.
† Ibid., pp. 198-199.
‡ Ibid., p. 170.

creased the difficulty of the situation. In the Spring of 1852, it proceeded to erect the Bay Islands into a separate colony, subject to the Superintendent of Belize. On the tenth of August, they were formally occupied in behalf of the British Crown.* An account of these proceedings speedily found its way into the public press of the United States, where they were generally looked upon as a palpable violation of the Clayton-Bulwer treaty. Soon after the assembling of Congress the Senate, acting in harmony with the popular sentiment of the time, passed a resolution calling upon the President for information respecting the establishment of a British colony in the Bay Islands. The President was also requested to state what steps, if any, had been taken to prevent the violation of the treaty of 1850.†

In response to this resolution the President, on Jan. 4, 1853, laid before the Senate a report from the Secretary of State affirming that the Department had received no information whatever, regarding the formation of the said colony. Accompanying this report were the declarations and correspondence of the negotiators of the Clayton-Bulwer treaty, regarding the exchange of ratifications.‡ The failure of the State Department to afford any information concerning the colonization of the Bay Islands was a great disappointment. Moreover, the production of the declarations caused a sensation in the Senate and country generally, and afforded an inviting opportunity for a partisan attack upon the Whig Administration in general, and Mr. Clayton in particular, which could not be allowed to pass unimproved. Accordingly, the report of the Secretary of State and the accompanying documents

* Squier's Central Am., pp. 625 and 626. Ante. p. 5 Dem. Rev., XXXI, p. 549.
† Sen. Jour., 2nd Sess. 32nd Cong., p. 63.
‡ Sen. Ex. Doc. No. 12, 2nd Sess. of 32nd Cong., pp. 1-4.

were referred to the Committee on Foreign Affairs. After spending several weeks in an examination of the matter, the Committee, on Feb. 11, reported that in their opinion the proclamation authorizing the establishment of a British Colony on the Bay Islands was genuine. It bore all the marks of an authentic paper, and the fact, so far as the Committee were informed, had never been contradicted. Therefore, without assuming that it was true, the Committee "felt called upon to proceed as if it were so." The result of their investigation was that, in the opinion of the Committee, the Bay Islands formed a part of the Republic of Honduras and, hence, were included within the region designated as "Central America" and, therefore, came within the meaning of the treaty of 1850. Consequently the colonization of these islands by Great Britain constituted a violation of that instrument.* The investigation carried on had necessarily involved some examination of the British title to Belize. The result of that was the conviction that the British settlement at Belize had no political character whatever. The report concluded with a resolution that the declarations of the negotiators imported nothing more than an admission that the treaty was not to be considered as affecting the title or existing right of Great Britain to the English settlements in Honduras Bay.†

While the Committee was preparing this report the Senate had been engaged in an animated debate regarding the course of Great Britain, the nature of the treaty, and the effect of the negotiators' declarations. From the first this discussion was characterized by much personal feeling and partisan zeal. Yet however prominent these

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* Sen. Rept. 407, 2nd Sess. of 32nd Cong. p. 17.
† Ibid., p. 17.

features were, they could not overshadow the antipathy for Great Britain. Nor did the report of the Committee materially alter the character of the debate, although it tended to intensify the feeling against England. In order to appreciate the force of this, it will be necessary to note briefly the actual state of the relations subsisting between the two countries at that time. Great Britain still maintained her foothold on the Mosquito Coast to the annoyance of the United States, if not to the detriment of American interests. She had made no real progress toward a settlement of the disputes between her and several of the states in that quarter. Moreover, she interpreted the treaty of 1850 in such a way as to sanction her claims there. The Bay Islands not only remained in her possession but had been transformed from a mere possession into a full colony. Following close upon this latter act came the famous proposal for the tri-partite agreement, between England, France and the United States, for guaranteeing the sovereignty of Spain in Cuba.* This proposal, which was peculiarly offensive to a large majority of the American people, came almost simultaneously with a fresh British demonstration against Honduras.† In view of these considerations, it is not surprising that the popular feeling in this country was far from friendly toward England. It should also be borne in mind that political animosities in the United States were exceedingly bitter at that time.

Under such conditions, it was inevitable that a discussion relative to our relations with Great Britain should develope much hostility toward England and at the same time take on a decidedly partisan cast. In such a discussion, extreme charges were sure to be made against England, followed by others equally extravagant in defense

* Sen. Ex. Doc. 13, 2nd Sess. 32nd Cong., pp. 1, 3 and 4.
† Cong. Globe App. XXVII, p. 272.

of her acts and policy. Unfortunately, this was one of the most prominent characteristics of the debate and, as we shall see, produced some baneful results. Naturally the Democratic members took the initiative in the discussion, which began, early in January, with an attack upon Mr. Clayton for consenting to an exchange of ratifications under the conditions imposed by the British Government. By so doing, it was argued, he had modified the treaty in a vital point without the knowledge or consent of the Senate.* The treaty as ratified was adequate to free all Central America from British dominion. If the convention had not provided for that result it would never have been ratified by the Senate. The only justification there was for the recent conduct of the British Government in Central America, was afforded by the restrictions placed upon the treaty by the acceptance of the British declaration. The effect of that declaration was to sanction the acts and pretensions of England in Belize or British Honduras and its dependencies. This was equivalent to an admission that Great Britain might exercise dominion in any part of Central America since the term dependencies was of such a vague and indeterminate character as to admit of indefinite extension and application. Consequently, Mr. Clayton had deprived the treaty of its chief value to the United States. For, instead of excluding British influence from Central America, the treaty, as limited by the declarations, really conceded the validity of British pretensions. Moreover, all of this concession had been made in derogation of the rights of the Senate by an unprecedented and unconstitutional act of the Secretary of State. Finally, the whole treaty was in violation of the time honored Monroe Doctrine and would never have

* Cong. Globe, XXVI, 2nd Sess. 32nd Cong., pp. 237 and 248.

been sanctioned but for the belief that it provided for the exclusion of Great Britain from Central America.*

The most prominent among those who advocated these views were General Cass and Mr. Douglas. The latter, however, went much farther in attacking the whole policy of the treaty. In this he was unhampered by his previous acts, since from the first he had opposed it and cast his vote against its ratification. The chief grounds of his opposition were, first, that it was ambiguous in its phraseology; second, that it entered into a partnership with Great Britain for the control of an interoceanic transit and, finally, that it deprived the United States of the right to acquire any territory in Central America by annexation or otherwise.† This provision he regarded with especial disfavor since it was antagonistic to our natural growth and expansion in that direction. It was, moreover, a useless provision since it must, sooner or later, give way before the "young giant" that would never consent to be restrained by any bond. Respecting the partnership, as he termed it, with Great Britain or any European power, he expressed the most violent opposition. He declared that the canal problem was an American question, with which Europe had no concern, and, therefore, the exclusive control of the contemplated canal which Nicaragua was anxious to bestow on the United States should have been accepted without regard to European consent. Once secured, the water-way should be opened to the commerce of Great Britain and the rest of the world so long as they observed their treaty obligations and showed us proper respect. But should they violate the one or fail to observe the other, he would close the canal to their commerce. Accordingly, he contended that

* Ibid., pp. 251, 253 and 266.
† Cong. Globe, App., XXVII, 1st Sess., 32nd Cong., p. 260, 261, 262, 268.

the Hise treaty should have been submitted to the Senate and ratified. He denounced the action of the Taylor Administration for withholding that instrument from the Senate.* Naturally the weight of his attack fell upon Clayton and was couched in terms that were admirably adapted to the double purpose of placing that gentleman in a false position before the country and winning popular applause. Nor were his remarks regarding the course of Great Britain free from guile. He attacked her in a manner that appealed powerfully to popular prejudice, and some of his sharpest thrusts at Mr. Clayton were made in connection with his denunciations of Great Britain as our natural rival and enemy.†

In the absence of Clayton, who was not then a member of the Senate, his defense was taken up by his personal friends. They contended that when the treaty was before the Senate there was a clear understanding that it was not intended to exclude Great Britain from all her dominions in Central America. It was unreasonable to suppose that England would relinquish her hold there. Besides, the great object of the treaty was not to oust Great Britain from Central America, but to obtain an unimpeded right of way for the construction and operation of a ship-canal between the two oceans. In order to secure this it was necessary that there should be some arrangement with Great Britain and that she should relinquish some of her pretensions in behalf of the Mosquitos. It was equally necessary that her encroachments upon Nicaragua and other states in the vicinity of the canal should be checked. To these ends the great efforts of the Americans were directed, and they were crowned with success. Little attention was given to the subject of

* Ibid., XXVII. 2nd Sess. of 32nd Cong., pp. 258-262.
† Ibid., XXVII, 1st Sess. of 32nd Cong. p. 275.

British dominion in Belize, which was so far from the route of the proposed canal that it was immaterial to the success of that enterprise whether Great Britain exercised dominion there or not. Indeed, some of the senators were of the opinion that it was a matter of no consequence that Great Britain had secured possession of the Bay Islands. Nor were there wanting those who held that her title to them and to Belize had long been established. Even the United States Government, during the Administration of Polk, had recognized the British jurisdiction at Belize by the appointment of a consul at that place. As for the declarations of the negotiators, they were neither unprecedented nor so comprehensive in their influence as contended.*

Among those who took a conspicuous part in maintaining the views above set forth were Seward, Everett, and Clayton; the latter having been returned to the Senate during the continuance of the discussion, which was not concluded till well into the following session. In defending his action, Clayton insisted that it was necessary to exchange upon the declarations or else abandon the treaty entirely. At first he inclined to the latter course, but, upon further reflection, concluded that he would lay himself open to just criticism if he should abandon the treaty, which appeared to offer the only means of maintaining friendly relations with Great Britain. So after consultation with the Attorney-general and others he decided to exchange ratifications provided the British Minister would accept a counter-declaration. Having been assured that such an instrument would be received, he proceeded to draw up one that would countervail the most repugnant features of the one sub-

*Ibid., XXVI, 2nd Sess. of 32nd Cong., pp. 247, 250.

mitted by Bulwer. But not content with that, he distinctly pointed out to that gentleman that if any change in the treaty was proposed it would have to be submitted to the Senate. Moreover, it was clearly understood by all connected with the matter, including the British Minister, that the declarations were, in law, not worth the paper on which they were written.* Consequently, they could have no effect upon the treaty itself. Nor was his action in regard to this matter without precedent. On the contrary, one was found in a very recent negotiation, viz, that of the treaty of Guadalupe Hidalgo. In that instance he, himself, had been called upon to defend the course of the Government respecting the explanations and declarations of the commissioners connected therewith. He showed that the charge that he had concealed these documents from the Cabinet or President was groundless. The substance of them was made public within a few days after the treaty was proclaimed so there was no reason why the Senate should not have known about the interpretation placed upon the treaty by the negotiators.†

With regard to the treaty itself, he contended that it was in harmony with the policy which our Government had followed since 1826. It was the same policy which obtained in the negotiation of the treaty with New Granada, in 1846, respecting the Panama railroad. Furthermore, it was neither desirable nor practicable for our government to obtain exclusive control of such communication. Had the United States attempted to act up to the privileges conferred by the Hise treaty, war with England would have inevitably resulted. In order to avoid that calamity and yet secure the construction of the canal, it

*Cong. Globe App. XXIX, pp. 91, 96.
†Ibid., pp. 91, 96.

was necessary to make some arrangement with that power. It was with a view to opening the way for the peaceful construction of the canal and making its neutrality secure that the treaty was negotiated, and not for the purpose of driving Great Britain out of Central America.* Incidental to the accomplishment of these purposes, it was necessary to secure the relinquishment of the British pretensions regarding Mosquito. Great Britain must also withdraw from San Juan and other places in the vicinity of the proposed canal and bind herself to abstain from occupying any part of Central America or exercising dominion within that region. These objects were amply provided for by the terms of the treaty. If England had colonized the Bay Islands or otherwise encroached upon the territory of Central America, such action was in violation of the treaty and not the fault of it. Nor was the treaty in contravention of the Monroe Doctrine. On the contrary, it provided for the most effectual application of it that had been made since its promulgation, and that, too, in spite of the fact that it had been repeatedly violated by Great Britain in Central America. These violations had continued for a number of years without protest or remonstrance from our Government, notwithstanding the frequent appeals for its interposition from the governments of Central America and more especially that of Nicaragua.†

Mr. Everett, fresh from the State Department and withal much impressed by the tone of Lord Russell's recent despatches, spoke in quite a different strain from that of Clayton. Although agreeing with him regarding the necessity for the convention of 1850, he took a much more favorable view of British acts respecting Belize, the

*Ibid., App. XXVII, pp. 251-256.
†Ibid., App. XXVII, 1st Sess. 32d Congress, pp. 254-255.

Bay Islands and Central America generally. He contended that Great Britain's title to Belize was valid and appealed to history to support his contention. He even argued that Great Britain had not violated the Clayton-Bulwer treaty by the erection of a colony in the Bay Islands. Throughout his speech he maintained an attitude of candor and fairness that was quite exceptional in this debate; but, on the whole, it must be admitted that it was much more favorable to the English side than to the American.*

Passing over, for the present, the effects of this discussion, it may be well to consider briefly the general positions and conclusions of the different parties. In the first place, it is hardly necessary to state that the claim of the Democratic members that the treaty was intended to exclude Great Britain from all dominion in Central America was without substantial foundation either in fact or reason. It was morally impossible for Great Britain to withdraw from all her possessions and claims there at the time the treaty was concluded. For more than a hundred years it had been a part of her policy to maintain a foothold in that region. This she had done at a great cost in both blood and treasure. Although her course was technically in violation of Spanish sovereignty and the rights of the republics that succeeded to the possessions of Spain in that region, it had the moral advantage of opening up a fertile country to commerce and a semi-civilization. But that is not all. For some years previous to the formation of the treaty, Great Britain had been engaged in extending and consolidating the sphere of her influence in that quarter without molestation or protest from the United States. Finally, some of her enterprises in that region had been prosecuted with unusual zeal for

* Ibid., pp. 285-289.

some time prior to the conclusion of the Clayton-Bulwer treaty, for the express purpose of thwarting the supposed ambitious designs of the United States. On the other hand, it was the supposed necessity for a free transit route across the isthmus that first gave the United States a direct interest in that region and called the attention of the American people to the British possessions there.* In view of those considerations, it was unreasonable for anyone at all familiar with the facts to have expected that Great Britain would surrender her hold upon Central America by treaty stipulations with an active and enterprising rival like the United States. Yet there can be little doubt that the Whig contention was not wholly tenable. While it is unquestionable that the chief purpose of the treaty was to secure an unobstructed transit, it is also true that it contemplated other objects as well. In fact, an unobstructed transit through the isthmus, while Great Britain controlled nearly the whole eastern coast, was, under the circumstances, an impossibility. Besides, it is incredible to suppose that so jealous a rival of England as the United States then was, could have been wholly indifferent to the maintenance and probable extension of British dominion in Central America. Yet, on the whole, it is quite evident that the Whig position was much the more rational of the two.

Meanwhile, the British Government had neither been indifferent to the condition of affairs in Central America, nor oblivious to the state of feeling in the United States. Embarrassed by the anomalous and even dangerous condition in which the Mosquito protectorate and the possession of Greytown placed her, England had long been anxious to secure a final settlement of the questions con-

*House Ex. Doc. 75, 1st Sess. 31st Cong., pp. 8, 9 and 93. Sen. Ex. Doc. 44, 2nd Sess. 32nd Cong., p. 2.

nected therewith. Yet she stubbornly refused to restore either the Mosquito territory or Greytown to Nicaragua. The utmost that she was willing to concede was that Greytown should be made a free port owing allegiance to Mosquito, while the latter should be made a real state instead of a fiction. This was to be done without regard to the rights of Nicaragua or the other Republics in that quarter. These views were communicated to the Government at Washington, by direction of Lord John Russell, in January, 1853, or while the Senate debate were still in progress, and before a report of it had reached England. In the course of his communication Russell frankly admitted that the Mosquito King's title and authority were little more than nominal; that his government was a fiction which Europeans used for their own purposes, and that the Mosquito country was governed according to the usages of civilized nations, instead of the customs of the savages. Obviously, these statements were clear admissions of the American contentions regarding the matter. Nevertheless, Russell still urged the propriety of erecting Mosquito into an independent state. It was the desire of the British Government that the United States should concur in such an arrangement,*—a desire that was manifestly impossible of realization so long as the existing state of feeling in the United States should continue. Consequently, this proposition contributed nothing toward a settlement of the difficulty. In fact it could have but one effect, viz. to confirm the suspicions of the Americans regarding the ulterior purposes of the British Government in Central America. In the opinion of the American people the proposed arrangement could have no other result than to sanction the British hold upon that region.

* Sen. Ex. Doc. 3, 1st Sess. 34th Cong., p.3. Sen. Ex. Doc. 44, 2nd Sess. 32nd Cong., p. 4. British Blue Book on Central American Affairs for 1856, pp. 202 and 203.

Viewed in the light of subsequent events it is impossible to escape the conviction that this debate in the Senate was a most unfortunate one. From the first a great deal of passion was exhibited, and a lack of fairness characterized most of the discussion. The desire of winning political capital, by pandering to the popular sentiment against England, or by appealing to party prejudice, is too apparent for special comment. Indeed, there can be little doubt that this was the controlling motive with many who took an active part in the discussion. For obvious reasons it was a more important factor with General Cass and his supporters than with the opposite party. But, unfortunately, it was much too influential with both parties. As a consequence, the popular mind in the United States was greatly aroused and therefore, unfitted for an impartial consideration of the questions at issue. The debate also exerted a powerful influence in arousing the mutual jealousies and prejudices of the United States and Great Britain. But that was not all. The severe criticisms passed upon the conduct of Great Britain called forth many statements that were almost equally intemperate in her defense. Moreover, the desperate onslaught made on the treaty did much to reveal its defects from the American point of view, and supplied the British Government with arguments, drawn from American sources, for the justification of its acts in Central America. In this country it not only intensified partisan animosities but encouraged both Government and people to demand more from Great Britain in the way of relinquishing her claims in Central America. In a word, the chief result of the debate was to arouse resentment and ill-feeling in both England and the United States. This in turn, made both governments more exacting regarding their rights under the treaty and correspondingly increased the fric-

tion between them. This is proved by the correspondence which subsequently passed between the two governments.

But in order to gain an adequate idea of the real complexity of the situation we must turn to Central America and note the condition of affairs there. The old controversies about the Mosquito Coast, Greytown and the territory bordering on the southern bank of the San Juan River still continued. New elements of discord had also arisen that tended still further to complicate the matter and embitter the feelings of the disputants. But the most unfortunate result of these disgraceful quarrels was that they enlisted the sympathies and interests of the United States and Great Britain on opposite sides, and thus intensified the unfriendly feelings of the two countries. This is well illustrated by the controversy which had been in progress for some time between the American Accessory Transit Company and the municipality of Greytown. The former was of American origin and intimately connected with important American interests; it was also indebted to Nicaragua for its right of way across her territory, including Greytown and the Mosquito Coast.* Therefore, this company was anxious that Nicaraguan jurisdiction should be maintained in that region, and was quite ready to ignore the British-Mosquito authorities at Greytown. Under those circumstances, the company found no difficulty in enlisting the sympathy and support of the United States in its behalf. On the other hand, the municipality of Greytown owed its existence primarily to British interference in that quarter and naturally looked to England to sustain its position and authority. It was, therefore, inevitable that the United States and Great Britain should take opposite sides in the disputes between

* Ante p. 66.

the company and municipality. Thus the estrangement of the two powers was increased and the difficulty of the situation enhanced.

Such was the condition of affairs in March 1853, when the Government passed under the control of the party represented by General Cass and his supporters in the Senate. Of course the advent of this party into power was marked by the adoption of a new policy respecting Central America and the Clayton-Bulwer treaty that was in harmony with the sentiments expressed by the party leaders in the Senate. Events hastened the development of this policy, even if they did not make it more comprehensive and radical in character. Little more than a month after the accession of the Democratic party to power an incident at Greytown caused both the United States and Great Britain to reveal their positions regarding Central America and the treaty of 1850. The occurrence which called forth these expressions was the employment of United States naval forces at Greytown to prevent the destruction, by the municipal authorities, of buildings belonging to the Accessory Transit Company. The British Government took exception to the action of the American forces, and urged the Government of the United States to issue instructions forbidding its officers doing anything that would tend to weaken the authority of the local government at Greytown.*

On the other hand, the United States Government stoutly defended the course of Captain Hollins, who ordered the intervention of the naval forces. In doing so it necessarily gave more or less complete expression to its views regarding the conflicting claims to Greytown and the Mosquito Shore. But it went beyond that and

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*British Blue Book, for 1856, on Central American Affairs, p. 247.

gave an exposition of the construction it placed upon the Clayton-Bulwer treaty so far as it related to the occupation of, or exercise of dominion in, Central America by either of the parties to that convention. With regard to the dispute between the authorities of Greytown and the Transit Company, the United States Government held that the former had no right to interfere with the buildings or property of the latter. The land occupied by the company lay within the limits of Nicaragua or Costa Rica. If within the former the company was acting upon rights which it had acquired by grant from that Republic. And if the property of the company lay within the dominions of Costa Rica, the people of Greytown had no right to exercise authority over it for they did not even pretend to derive any rights from that state.* The local government of Greytown professed to act in the name of the Mosquito King, but surely it could derive no authority from that source since the Mosquitos were incapable of forming a government of any kind and had no sovereign authority over the country whatever. Hence, neither the authorities at Greytown nor the British Government had any just ground for complaint against the company. Moreover, the United States would not recognize any authority in that region which acted in derogation of the sovereign rights of Nicaragua and Costa Rica.† From this it is evident that the views of the two governments concerning the status of Mosquito and Greytown were diametrically opposed.

In a subsequent dispatch a more detailed account of the views and purposes of Great Britain regarding Central America was given. It was freely admitted that the purpose and intention of the Clayton-Bulwer treaty, when

* Ibid., p. 253. Sen. Ex. Doc, 13, 1st Sess. 33rd Cong., pp. 8-11.
† Ibid., p. 11. British Blue Book on Cent. Amer. Affairs for 1856, p. 255.

executed, was to materially modify the position of Great Britain on the Mosquito Coast and, indeed, throughout Central America. But the treaty had not been carried out, and until that was done Great Britain must retain her present position in those regions. England would, therefore, continue to assert the right of the Mosquitos to the territory they claimed and defend them against hostile aggressions from any or all of the Central American states. Lord Clarendon, who voiced the sentiments of the British Government on that occasion, stated that the prevailing opinions in the United States regarding the obligations of Great Britain under the treaty of 1850, were erroneous. According to the terms of that instrument, he said, England was bound to abstain from seeking or maintaining any exclusive control over the proposed ship-canal. She was likewise debarred from occupying any part of Central America or exercising dominion in that country. But Great Britain had not, nor did she ever have any intention of renouncing "the full and absolute right which she possesses over her own lawful territories."* Neither did she renounce by that treaty the protection which she had for centuries afforded, and which she still afforded, to Mosquito. Nor was she willing to disturb the *de facto* Government at Greytown.†

From the foregoing it is clear that Great Britain was in no mood for making concessions to the demands of the United States. This may be safely asserted notwithstanding her frequently expressed desire for an amicable and satisfactory adjustment of the matter. If other evidence were wanted, it would only be necessary to refer to the proposed basis of settlement. This involved the erection of Mosquito into a separate territorial establishment,

*Ibid., p. 248.
†Ibid., p. 249.

independent of all the Central American States; the making of Greytown a free port, attached to Mosquito, with an indemnity to the Indians for surrendering their claims to that town; and the agreement of the United States and Great Britain to join in the maintenance of the local Government there. A glance at these conditions will show that no concession, either to the wishes of the United States or the claims of Nicaragua, was contemplated. But upon what ground the British Government could have expected such proposals to be accepted is difficult to understand. That Government was perfectly familiar with the fact that the United States had never consented to recognize Mosquito as possessed of sovereign rights, and had, from the first, insisted that the territory occupied by the Indians belonged to Nicaragua and Honduras. Besides, the colonization of the Bay Islands had destroyed all inclination on the part of the United States to recede from the position she had so persistently maintained. But apart from these considerations, the establishment of Mosquito as a new and independent state could not be otherwise than offensive to the United States. According to the American view, such an arrangement could hardly fail to lead to a very great extension of British dominion and influence in that quarter. It is also to be remembered that Nicaragua would have resisted such a disposition of her territory by every means in her power. Hence, it is evident that such a project could lead to no satisfactory settlement of the difficulty. But as Great Britain had determined to retain her present position in Central America till the matter was satisfactorily settled, it is clear that the proposals were admirably adapted to her purpose. If they were accepted her hold upon the Mosquito Coast and, indeed, upon Central America would be permanently secured; if rejected, her position would remain unchanged

so long as the question remained unsettled. In either case British influence in Central America would be continued. Moreover, its continuance would inevitably lead to the extension of British dominion in that quarter. Therefore, it is not surprising that England set her demands high, when such a course would secure her hold upon the country for an indefinite period and enable her to thwart the supposed ulterior designs of the United States.

Meanwhile, the United States Government had been developing a scheme for settling the question according to its interpretation of the Clayton-Bulwer treaty. As already indicated, the Americans held the Mosquito protectorate to be devoid of validity. The Government had also insisted that the sovereignty of the territory occupied by the Indians belonged of right to Nicaragua and other states in that vicinity. Moreover, the Government had long since declared that it would countenance no movement or political organization in that portion of Central America that was derogatory to the sovereignty of Nicaragua or Costa Rica. But the plan now adopted was much more radical and comprehensive. It contemplated nothing less than the relinquishment of the Mosquito protectorate, the restoration of Greytown, the surrender of the Bay Islands and the restriction of Belize to the limits originally fixed by the Spanish treaties. This point in the development of the American policy was reached by July, 1853. The United States Minister at London was then instructed to open negotiations for the accomplishment of these purposes.* This naturally brought the two governments into controversy respecting the obligations imposed by the treaty of 1850. More precisely, the question

* House Ex, Doc. 1, Pt. 1, 1st Sess. of 34th Cong., p. 42.

at issue was whether the terms of that instrument required England to withdraw from all interference in Central America. It now remains to note briefly the grounds upon which each government sought to justifiy its contention.

The United States Government insisted that Great Britain had no title to Belize beyond that acquired by express grant from Spain under the treaties of 1783 and 1786. Those treaties limited the rights of Great Britain in that region to the cutting and exporting of timber, and positively prohibited its use for any other purpose whatever. Moreover, the district in which the British might cut and export timber was, by the terms of the grant, strictly limited. So long as the settlement was confined to its original limits and purposes the United States could have no cause for complaint. But when its area was greatly extended and its tenure changed by the exercise of civil authority, it then became to all intents and purposes a new colony on this continent.* The establishment of such a colony in America was contrary to the policy of the United States, as well as a clear infraction of the Clayton-Bulwer treaty. That instrument bound both of the contracting parties to abstain from occupying or colonizing any part of Central America, or exercising dominion therein. Therefore, Great Britain was under solemn treaty obligation to abandon all that portion of Belize that lay beyond the limits fixed by the Spanish treaties; furthermore, the United States would insist upon its use being confined to the purpose for which the grant was originally made.†

On the other hand, the British Government positively declined to withdraw from Belize, and justified its refusal

*Ibid., p. 42.
†Ibid., pp. 43-45.

on the ground that it was never contemplated by either of the contracting governments that the convention of 1850 should interfere in any way with the British settlement at Belize or its dependencies.* The treaty could only refer to the five states which had formerly been united under the name of the Central American Republic. Although this was evident from the language of the treaty, the negotiators had deemed it advisable to provide against the possibility of any future misunderstanding on that point. Accordingly, before exchanging the treaty ratifications, they had made written declarations affirming that neither of the governments had intended that the convention should comprehend the settlement and dependencies in question. The British Government understood that the Belize alluded to was the Belize of 1850. Besides, the United States had previously acknowledged the right of Great Britain to that settlement by appointing a consul there, who received his exequatur from the British Government.† Nor was Great Britain bound by the limits fixed in the treaties of 1783 and 1786. Those conventions were ended by a subsequent state of war between England and Spain, and no treaty of a political nature or relating to territorial limits had revived the treaties respecting Belize.‡ As the controversy progressed, England continued to take more radical ground in favor of that position, till at length she claimed sovereignty over Belize by right of conquest.§

On account of the wide divergence of these opinions, it may be well to examine the grounds upon which they were based. As already indicated, the British defense embodied two propositions, viz., that the treaties of 1783

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* Ibid., p. 89. British Blue Book on Cent. Am. Affairs, for 1856, p. 273.
† & ‡ Ibid., p. 274.
§ Sen. Ex. Doc. 26, 1st Sess. 48th Cong p. 6.

and 1786 were no longer binding upon England, and that the settlement of Belize or British Honduras was exempted from the operation of the Clayton-Bulwer treaty by the declarations made at the exchange of ratifications. On the other hand, the United States contended that the treaties of 1783 and 1786 were still in force, and, if the declarations of the negotiators were at all binding, they could only relate to the settlement at Belize as defined by those conventions. With regard to the first proposition of the British Government, viz., that the Spanish treaties were no longer binding and that Great Britain had acquired a title to Belize by conquest, little need be said. We have already seen that if Great Britain conquered Belize from Spain, she subsequently restored it to that power. In addition to that, she afterward renewed the treaties with Spain, and in various ways acknowledged Spain to be the rightful sovereign of that territory.* That attitude she maintained till the downfall of Spanish dominion in Central America. As she did not even pretend to have acquired any title to that region from the Republics that had since been founded in Central America, we must conclude that in 1850 Great Britain had no sovereign rights whatever in Belize.

Hence, the only grounds on which England could claim that British Honduras was exempt from the operation of the Clayton-Bulwer treaty, were either that it lay without the limits of Central America or that the declarations of the negotiators had excluded it from the provisions of that instrument. Concerning the first of these little need be said; unquestionably the greater part of the original Belize, if not all of it, lay beyond the limits of Central America. On the contrary, that part of British

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*Ante pp. 12-13.

Honduras that had been occupied since 1786 lay almost wholly within the limits of Guatemala or Central America. Consequently, the only ground on which the British Government could claim that this latter territory was not subject to the Clayton-Bulwer treaty was that it had been exempted from the operation of that instrument by the declarations of the negotiators.

This at once raises the question as to what was the purpose and scope of those declarations. And here it may be incidentally remarked that it is quite common for British writers and many Americans also, to treat the matter as though there had been an unqualified acceptance of the British declaration, with its comprehensive and somewhat ambiguous phraseology. But that is far from being true. Mr. Clayton refused to exchange upon the British declaration and, for a time, it seemed as though the treaty must fail. Doubtless that would have been the final result had not Bulwer consented to receive a counter-declaration from Clayton.* This arrangement having been agreed upon, Clayton drew up a declaration that materially modified and narrowed the scope and application of the one offered by the British Government. Bulwer accepted that declaration, thereby receding from the position taken by his Government in the declaration which he presented to Clayton. In place of excluding Her Majesty's settlements at Honduras and their dependencies from the operation of the treaty, the American declaration limited the exemption to the British settlement in British Honduras and the small islands in the neighborhood which might be known as its dependencies.† That is to say, the only dependencies of Belize recognized by the American declaration were the small islands in its

* Cong. Globe, XXIX, p. 91. Sen. Ex. Doc. 13, 1st Sess. 33rd Cong., p. 16.
† British Blue Book, for 1856, on Cent. Am. Affairs, p. 63.

immediate neighborhood mentioned in the treaty of 1786 with Spain.

But inasmuch as it admits that the settlement in British Honduras was exempt from the operation of the treaty, the query arises as to just what the term "settlement in British Honduras" meant. Did it mean the settlement within the territory set apart for the use of the British wood-cutter in 1786? Or did it include that region, and as much more as the British Government could claim to have occupied since that time? At first it might seem as though these questions did not admit of satisfactory answers, but it is believed that such is not the case. In the first place it will be necessary to get a clear idea of the actual condition of affairs at that time. There was then, a British settlement on the border land between Central America and Mexico. It was located within the region set apart by the Spanish Crown under the provisions of the treaty of 1786. Its nature and purposes were clearly defined by that instrument, and its limits prescribed. But in addition to this, the British claimed a large tract of country lying adjacent to this settlement on the south and west. For the most part this territory was without settlers, its limits were unknown and its boundaries had never been determined. The British title to it was vigorously contested by the weak states which had inherited the rights of sovereignty in that region. Moreover, the United States was exceedingly jealous of British encroachments in Central America, and, therefore, much averse to taking any step that would sanction the territorial claims of that power there. Under those circumstances, it is hardly conceivable that the American declaration was intended to cover the large, ill-defined, unsettled and disputed territory claimed by Great Britain, lying outside of the limits of Belize as

determined by the treaty of 1786. That this territory with its disputed title and unknown extent should have been exempted from the operation of a treaty that was made necessary because of claims based upon British aggressions, is beyond belief. On the other hand the original Belize was a comparatively small settlement with well defined character and limits, located on the extreme borderland of Central America and so situated as to preclude the possibility of its being a serious menace to the isthmian canal and was, therefore, harmless to the interests of the United States. In view of that fact, what could be more natural than for the American negotiator to confine the application of the British declaration to this settlement whose limits and character were well known, instead of allowing it to include the large tract claimed by England, which was without definite extent or bounds and which there was reason to believe belonged of right, to one or more of the Central American states.

But it is not necessary to rely upon such considerations alone in determining the matter, there is some very positive evidence on this point. The American declaration as accepted by the British Minister, stated in so many words that the treaty of 1850 was intended to, and did include all the states of Central America with their just limits and proper dependencies.* But according to the views of the United States the proper limits of Central America were identical with those of the ancient Kingdom of Guatemala and comprehended all the territory of the isthmus lying between Mexico on the one hand, and New Grenada on the other. This, together with the fact that Mr. Clayton expressly limited the dependencies of Belize to the small islands in its immediate

* Ibid., p. 64.

neighborhood which were specificially mentioned in the Spanish treaty of 1786, would seem to indicate that he not only had in mind the settlement authorized by that convention, but that he purposed to confine the application of the British declaration to that settlement and none other. Hence, so far as the declarations were concerned they could afford no substantial foundation for the contention that England was under no obligation to withdraw from all that portion of British Honduras situated within the borders of Central America, and without the limits fixed by the Spanish treaty of 1786. Consequently the continued occupation of that territory by Great Britain amounted to a clear violation of the convention of 1850.

Concerning the necessity for the abandonment of the Bay Islands the United States and England were also at variance. The former held that those islands constituted a part of Central America and as such came within the meaning and under the operation of the Clayton-Bulwer treaty. For that reason their continued occupation, and erection into a British colony were clear infractions of that convention. Therefore, Great Britain was under a solemn obligation to withdraw from those islands and allow them to pass under the jurisdiction of Honduras, to whom they rightly belonged.* The British Government on the other hand, contended that inasmuch as those islands were in possession of Great Britain when the treaty was concluded, their continued occupation could not be regarded as a violation of its engagements. The purpose of that treaty was to provide for the freedom and protection of a ship-canal across the isthmus, and not to interfere with the possessions of Great Britain in that

* House Ex. Doc. 1, Pt. 1, 1st Sess. of 34th Cong., p. 97.

quarter. Although it did stipulate that neither of the contracting parties should occupy or colonize any part of Central America, or exercise dominion therein, it was prospective in its operation. It did not, therefore, interfere with the existing possessions of Great Britain in that region. The treaty merely prohibited her from acquiring future possessions in Central America.† In addition to these considerations, the British insisted that the Bay Islands were a dependency of Belize. As such they were exempted from the operation of the Clayton-Bulwer treaty by the negotiators' declarations. Hence, their occupation and colonization could not be regarded as an infraction of that instrument.‡

To this, the American Government replied that, even supposing the declarations to be binding upon the United States, they did not exclude the Bay Islands from the operation of the treaty. The term dependencies as employed in those instruments was expressly limited to the small islands in the neighborhood of Belize. But the Bay Islands were not small, and they were not situated in the neighborhood of Belize. On the contrary, they were large and important islands located some hundreds of miles distant from the settlement in question and within sight of Honduras to whose dominions they properly belonged.* As for the prospective character of the treaty, it was urged that such a position was clearly untenable. The language of that instrument was mutual, and equally binding upon both governments. But at the time the treaty was concluded, the United States was without any dominions in Central America, while Great Britain had

* Ibid., p. 53.

† Ibid., pp. 90 and 91. British Blue Book on Central American Affairs for 1856, p. 275.

‡ Ibid., p. 96.

large possessions there.* If the British interpretation of the treaty were correct, the United States was forever prohibited from acquiring any territory or dominion in Central America notwithstanding such acquisitions might, in the future, become essential to her welfare and the preservation of her national integrity. Moreover, by consenting to that arrangement the United States had not only confirmed the British claims in Central America, but also placed it in the power of England to close the passage across the isthmus. Nor was that all. If the British interpretation were good, by entering into the engagements of the treaty, the United States had sanctioned the pretensions of Great Britain to extensive dominions on the isthmus which, in the opinion of the Government, belonged to the states of Central America. Surely the United States could never have been guilty of such gross inconsistency and criminal faithlessness as that. Moreover, it was clear from the language of the instrument itself that the British contention was untenable. According to the terms of the convention, Great Britain and the United States agreed that neither of them would occupy any part of Central America. But England was then occupying large portions of it. Consequently, her engagement not to occupy the country already occupied by her, was clearly an agreement to withdraw from the same. Otherwise the language was meaningless.†

Nor could the course of Great Britain respecting the Bay Islands be successfully defended on the ground that it was not the purpose of the treaty to interfere with British possessions, but only to provide for the freedom and protection of a ship-canal across the isthmus. For, admitting that such was the case, the real purpose of that

* Ibid., p. 56.
† Ibid., p. 95.

convention would be defeated by the existence of a British colony on the Bay Islands. Any strong naval power occupying those islands would be in virtual control of any communication that might be opened across the isthmus.* Such were the views alternately attacked and defended by each of the two governments throughout the period from 1853 to 1856.

Because these divergent opinions were so stoutly defended, during that long period, by their respective advocates, it may be well to give some attention to their validity. With regard to the British claim that the Bay Islands were exempt from the operation of the treaty in consequence of their being a dependency of Belize, nothing is to be added to what has been said already. In the remarks concerning the nature and scope of the negotiators' declarations, it was clearly shown that the Bay Islands could not be regarded as a dependency of Belize. To this view the British Government was subsequently forced to accede by evidence drawn from the Foreign office itself.†

As for the claim that the treaty of 1850 was merely prospective in its operation, it is to be observed that several years had elapsed after the convention was concluded before that claim was put forward. In fact, it would not be difficult to cite instances in which British statesmen had expressed themselves in terms wholly incompatible with that theory. Nor is it improbable that this position was now taken by the British Government in order to counteract what was believed to be the ulterior designs of the United States. However that may be, it is hard to conceive a reasonable ground to base that claim upon. In the first place, it is to be noted that the nego-

* Ibid., p. 97.
† British Accounts and Papers for 1856, XLIV, No. 391.

tiations which resulted in the conclusion of the Clayton-Bulwer treaty were begun for the purpose of freeing Central America from British dominion and influence. True, the chief motive which prompted this undertaking was a desire for a sea-to-sea passage, that should be free from the exclusive control of Great Britain or any other great power.* It is also true that it was soon found impracticable to fully realize the object for which the negotiations were undertaken. But it does not follow that the United States wholly receded from its purpose to free Central America from British domination and influence. Such a course would have left England in a position to control any canal that might be opened across the isthmus. For that must have been the result of allowing her to remain in undisturbed possession and control of Greytown, the Mosquito Coast and other important places. Moreover, such an arrangement would have been wholly inconsistent with the policy of the United States concerning Central America. It would have been more or less an acknowledgement of British pretensions to dominion in that quarter, whereas the United States had, from the first, not only denied the validity of those claims but taken strong ground in support of the right of the Spanish-American Republics to the whole region. In a word, if, as claimed by the British Government, the treaty was merely prospective in its operation, it had not only signally failed to provide for the freedom of an interoceanic transit, but had gone far toward confirming the British pretensions in Central America.

But there are other reasons for holding that the British position was untenable. The very language of the treaty would seem to be conclusive on that point. Unless the word "occupy" was used in a peculiar and un-

† Ante. p. 89.

usual sense, the agreement not to occupy territory already occupied, necessarily involved withdrawal from the territory in question. But in this case the word "occupy" was employed by the negotiators in its usual sense and without qualification. Of this there can be no doubt; for while the negotiations were in progress Clayton discovered that Bulwer was trying to give the word an unusual meaning, and at once wrote him that such a use of the word could not be tolerated. Clayton further informed him that the word must be used in its ordinary and unrestricted meaning. To this Bulwer tacitly consented, at least, and accordingly the word in the treaty bears its usual and unqualified meaning.*

With regard to the assertion that the United States entered into the treaty to secure free communication across the isthmus and not to oust Great Britain from Central America little is to be said. The securing of a free transit route necessarily involved a radical modification of British claims and pretensions in that region. This was clearly understood by both parties. In fact, if Great Britain was to retain unimpaired the position she occupied in Central America at that time, it is difficult to understand for what purpose the provisions forbidding occupation, colonization and the exercise of dominion were introduced. For she might have colonized the whole country without materially increasing her command over the routes for interoceanic communication. Hence, while it must be admitted that the British Government was correct in maintaining that the primary object of the treaty was to secure the freedom and neutrality of the ship-canal, it does not follow that there was any intention of leaving Great Britain in possession of those portions of Central America she then occupied.

* Cong. Globe App. 1st Sess. of 34th Cong., p. 435.

The attitude of the two governments toward the Mosquito question was essentially the same as in the case of the Bay Islands. Yet owing to the peculiar features of the former other arguments were introduced. The United States urged that inasmuch as the Mosquitos were merely a tribe of savages, without a government and destitute of all the qualifications for establishing or maintaining one, they could not be regarded as an ally under the protection of Great Britain. Their relation to that power was necessarily one of complete and absolute submission. Consequently, the British interference in that quarter, in support of the so-called Mosquito Government, was nothing less than an occupation of the country. But such occupation was contrary to the provisions of the treaty and should be given up. No matter how valid the ground upon which that protectorate had been established Great Britain was by the terms of the treaty bound to abandon it.*

On the other hand, the British Government still insisted that the treaty was prospective in its operation; that Great Britain had long recognized the independence of the Mosquitos and sustained to them the relation of a protecting ally. Furthermore, there was nothing unusual in that relation or that could be regarded as derogatory to the sovereign rights of Spain. That was evident from the fact that since 1815 Spain had made no remonstrance against it. As for the Spanish-American Republics, it could not be admitted that they had succeeded to all the rights which Spain had formerly possessed in every detached portion of Central America. Finally, it was not the purpose of the treaty of 1850 to annihilate the British protectorate of Mosquito. Indeed, it expressly recog-

* House Ex. Doc. 1, Pt., 1st Sess. of 34th Cong., p. 103.

nized the right of either one or both of the contracting parties to form alliances with, or afford protection to, any state or people of Central America. Therefore, the continued existence of the British protectorate of the Mosquitos could not justly be regarded as an infringement of that instrument.*

Such, in a general way, were the positions of the two governments regarding the Mosquito protectorate, and in defense of them a vigorous diplomatic contest was waged during the greater part of a decade. In view of that fact, it may be well to give some further attention to the grounds upon which they based their contentions. As already indicated, Great Britain held that while the treaty did expressly prohibit the colonization of any part of Central America or the exercise of dominion therein, it did not interfere with the condition of affairs then existing. The treaty was merely "prospective" in its operation and, hence, did not affect the position of England there but only prohibited the extension of her dominions or claims in Central America. Moreover, the right to maintain the Mosquito protectorate was clearly provided for in the treaty stipulations concerning the use to be made of the protectorates which either party afforded or might afford to the states or peoples of Central America.

Regarding the first of these contentions, it is to be noted that if the treaty was merely prospective in its operation then Great Britain was not only left in a position to control the proposed ship-canal or other transits, but her pretensions to dominion in Central America were confirmed. But if this was true then it is difficult to understand why the treaty was ever made except to con-

* Ibid. pp. 73-82. British Blue Book on Cent. Amer. Affairs for 1856, pp. 267-276.

firm and strengthen the British position in Central America, and exclude the United States from acquiring a foothold there. But the absurdity of such a conclusion is so perfectly evident, when viewed in the light of the facts given in preceding pages, that further comment is useless. There can be no question that, under the terms of the treaty, either party could maintain an alliance with, or afford protection to any state or people of Central America. But it is to be observed that this privilege was subject to the provisions of the treaty forbidding the occupation, colonization or exercise of dominion in Central America. Hence, while it must be admitted that the claim of the British Government respecting the abstract right of maintaining the Mosquito protectorate was valid, it is none the less true that the course of Great Britain in maintaining the so-called Mosquito Government was clearly in contravention of the treaty.

This Government was not only British in its personel, but was administered according to British customs. It was also dependent upon Great Britain for the maintenance of its authority. If that did not amount to an occupation with the exercise of dominion, it is difficult to understand what could. Unquestionably, therefore, the United States was justified in complaining of the continued British interference on the Mosquito Coast. But while that is true, it is not to be forgotten that the United States Government in insisting upon the absolute renunciation of the protectorate took a position that was clearly unwarranted by the terms of the treaty. To that extent the action of the United States affords some excuse for the refusal of the British Government to relinquish its hold upon the Mosquito Shore. But that is not the only thing to be urged in extenuation of its course. It is to be recollected that during the greater part of this

period, Central America was suffering from the incursions of American filibusters whose purpose it was to overthrow the existing governments of that region. These movements were carried on with such freedom and publicity as to justify the suspicion that the United States Government connived at them. But as the success of these filibusters would bring a large part of Central America under the control of the Americans and perhaps lead to its incorporation into the United States, it is not surprising that the British Government hesitated to withdraw from that region, and sought to justify its action under the terms of the treaty. In view of these considerations, it seems clear that while Great Britain's course regarding the Mosquito Coast was in contravention of the treaty stipulations, there was much in the conduct of the United States that was unjustifiable even though it did not amount to an open violation of the treaty. In a word, both governments took untenable positions respecting the convention but, owing to the peculiar circumstances of the case, that of Great Britain was betrayed into a clear violation of that instrument.

When Congress assembled in December 1855, the relations of the United States and England were in a very critical condition.* Many things besides the disagreement about the Clayton-Bulwer treaty had conspired to produce this result. Among them may be mentioned the Enlistment Question and the operations of the filibusters; all of which tended to enhance the mutual unfriendliness of the two countries. Under those circumstances it was but natural that the relations of the two governments should be the theme of discussion in Congress and Parliament. In the long debates of 1856 the Clayton-

*Cong. Globe App., 1st Sess. of 34th Cong., pp. 435-438.

Bulwer treaty necessarily received much attention. But nothing new of importance was brought out regarding it, and the only thing that attracted particular attention was the statement that Great Britain had offered to submit the differences to arbitration but that the United States had paid no attention to the offer.† This led to some discussion between the two governments but nothing came of it and their conditions still remained as unsatisfactory as before.

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* Hansard's Parliamentary Debates, CXL, pp, 39 and 40. Sen. Ex. Doc. 35, 1st Sess. of 34th Cong., pp. 246-251.

CHAPTER V.

Thus matters stood after three years of discussion and controversy. The two governments were apparently no nearer to an agreement than they were at the beginning of that period; yet both were anxious to avoid the danger of further delay. But how, or by what means, was a settlement to be effected, was a question of paramount importance. Surely, under the existing conditions, the abrogation of the treaty could hardly fail to aggravate the difficulty, while, from the American point of view, arbitration promised little more. Influenced by these considerations, the United States Government decided to fall back upon direct negotiations with Great Britain. Accordingly, in May, 1856, Mr. Dallas, who had recently succeeded Buchanan as Minister to England, was directed to propose this course to Lord Clarendon.* The proposition being favorably received, negotiations were at once begun in London and pushed forward with such vigor that the Dallas-Clarendon treaty was concluded in the following October.† As these negotiations were conducted in the most informal manner, nothing can be said of them beyond noting their final result.

Although at the outset neither government showed any inclination to recede from the position it had held during the past three years, an inspection of the treaty will show that each finally assented to some material con-

* Sen. Ex. Doc. 82, 1st Sess. 34th Cong., pp. 9-10.
† Brit. Blue Book on Cent. Amer. Af. for 1860, p. 94.

Greytown a free port under the nominal sovereignty of Nicaragua; the establishment of a reservation for the Mosquitos; the restoration of the Bay Islands to Honduras, under certain restrictions, and the formal exclusion of British Honduras from the operation of the Clayton-Bulwer treaty. The provisions of the treaty relating to Greytown and the Mosquitos were to be jointly submitted by the United States and Great Britain to Nicaragua and Costa Rica. If those states should refuse to accept this arrangement, it was agreed that neither one of the contracting parties would offer more favorable terms to the state rejecting it. It was further stipulated that if Nicaragua and Costa Rica should find it impossible to effect a settlement of their differences, they should submit the same to the arbitration of the United States and Great Britain.*

With this brief mention, the Dallas-Clarendon treaty might be dismissed, were it not for the fact that some of its provisions were subsequently incorporated into the treaties by which the Mosquito controversy was finally settled. Only a portion of the Mosquito territory was to be set apart for the Indian reservation. All the remainder lying within the borders of Nicaragua was recognized as belonging to, and under the jurisdiction of that state. In return for this and the surrender of Greytown, Nicaragua was to pay the Mosquitos a money indemnity. All grants of land made by the Indians since 1848, lying without the reservation, were to be confirmed. Within the reservation the Indians were to have the right of pursuing their usual vocations and governing themselves according to their ancient customs and usages. But they could not cede or grant their territory to any foreign cessions. In general, the treaty provided for making

* Ibid., pp. 24-27.

power without the consent of the United States and Great Britain separately expressed. Yet this provision was not to be construed as prohibiting their voluntary incorporation into the state of Nicaragua. But should they become incorporated into that Republic, the Mosquitos were to enjoy all the rights of citizenship.*

From the foregoing it is evident that the Dallas-Clarendon treaty was founded in compromise and concession. Moreover, it is hardly necessary to say that the United States made the greater concessions of the two. In the first place, Great Britain's claims respecting British Honduras were confirmed. Although the Bay Islands were restored to Honduras, the restoration was made under such conditions as to constitute the islands an *imperium in imperio*. The sovereignty of Nicaragua over Greytown was acknowledged, but the residents of that place were to be exempt from all national taxation or military service except for the defense of the town itself. They were also to enjoy the right of self-government. Moreover, Great Britain only consented to surrender a portion of the Mosquito territory to Nicaragua on condition that the latter should indemnify the Indians for it. Thus the United States had succeeded in securing the restoration of Greytown and the Bay Islands upon the conditions and limitations already mentioned. She had also obtained a recognition of Nicaragua's right to sovereignty over the greater part of the country claimed for the Mosquitos. In none of these instances, however, did she secure all that she had contended for, while in the case of British Honduras she had conceded everything that England demanded. Under the circumstances, these were truly great sacrifices for the United States to make. They were the more remarkable since the Government

* Ibid., p. 25.

was still in the hands of those who, for years past, had strenuously maintained that, under the terms of the Clayton-Bulwer treaty, Great Britain should withdraw from all interference in Central America.

Yet, notwithstanding these concessions to the British demands, the treaty was favorably received by the United States Government. In his annual message the President spoke of it in terms of approval and expressed himself as confident that, if ratified by the two governments, it would put an end to the troublesome questions connected with Central America.* The Senate, however, did not share in that opinion of the treaty. So strong was the opposition to it in that body, that the convention was not taken up for consideration during that session at all. It was finally taken up and acted upon by the Senate during the special session, which convened on March 4, 1857. The discussions revealed much diversity of opinion as to the disposition that should be made of the instrument.† Nevertheless, it was finally ratified with numerous amendments intended to secure a more explicit recognition of the rights of the states affected by it. Having received the approval of the President, it was sent to England, accompanied by a letter from General Cass, stating that it had been accepted in the spirit of conciliation and compromise, and not because it was regarded as affording a satisfactory settlement of the question at issue.‡

The British Government finally decided to accept all the Senate amendments save the one relating to the disposition of the Bay Islands. Originally, as we have seen, the treaty provided that those islands should be established as free territory. As amended, it stipulated that

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*Message and Documents for 1856-7, Pt. I, pp. 19-20.
†British Blue Book on Cent. Amer. Affairs for 1860, p. 29.
‡Ibid., pp. 32-33.

they should be recognized as constituting a part of the Republic of Honduras. In this amendment the British Government refused to concur, alleging that an unconditional recognition of the Republic's right to them would leave the British subjects there without protection. Nevertheless, this refusal to accept the proposed amendment was not absolute. Great Britain signified her willingness to accede to it on certain conditions. The most important of these was that Honduras should first conclude a treaty with Great Britain accepting the Bay Islands subject to the provisions that might be agreed upon. In order to facilitate such an adjustment of the matter, the British Government offered to conclude a new treaty with the United States that should be identical with that approved by the Senate, with the addition of the proposed stipulation regarding the Bay Islands.*

This action on the part of Great Britain was much regretted by the Government at Washington, which was naturally very reluctant to become a party to the conditional cession or restoration of the Bay Islands, when the conditions that might be imposed were unknown. This consideration was the more influential because the treaty of the previous summer between Great Britain and Honduras had provided for a so-called cession of the Bay Islands under conditions that were highly offensive to the United States.† If the United States should assent to the British proposal, then Great Britain would be at liberty to make whatever demands she chose upon Honduras as the price of restoring the islands, no matter how detrimental they

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* Ibid., pp. 33-34.

† NOTE—In the course of the summer of 1856, Great Britain concluded a treaty with Honduras. Among other things that convention provided for the cession of the Bay Islands to that Republic, under conditions that made them an *imperium in imperio*. This treaty, however, was rejected by the Government of Honduras. British Blue Book on Cent. Am. Affairs for 1860, p. 40.

might be to the independence and welfare of that Republic. Moreover, if Honduras should refuse them, then Great Britain could continue to hold the islands with the implied consent of the United States. These views could lead to but one result; the British proposition was rejected and the Senate refused to withdraw its amendment respecting the Bay Islands. This was done on May 29, 1857.*

The failure of the Dallas-Clarendon treaty threw the two governments back upon the Clayton-Bulwer convention with its disputed phraseology and conflicting constructions. Under the circumstances, there was great danger of its "breaking up under their feet." Indeed, it was believed that an effort would be made to have Congress set it aside, if the pending discussion was not closed before the opening of the next session.† To add to the perplexities of the situation, some difference of opinion had arisen between the two governments concerning the recognition of a new transit company. Early in 1856, the Nicaraguan Government, under the influence of Walker, the filibuster, had annulled the charter of the Accessory Transit Company.‡ This was followed by the organization of several other companies, each eager to acquire the privileges which the Transit Company had formerly possessed. In the rivalry that sprang up among them, some obtained grants from Costa Rica, while Nicaragua recognized the old Atlantic and Pacific Ship Canal Company, whose charter was supposed to have lapsed some years previous. The United States Government was disposed to join Nicaragua in the recognition of the Ship Canal Company. At the same time it positively re-

* British Blue Book, for 1860, on Cent. Am. Affairs, p. 46.
† Ibid., p. 47. Sen. Ex. Doc. 194. 1st Sess. 47th Cong., p. 112.
‡ Walker's War in Nicaragua, p. 155.

fused to recognize the jurisdiction of Costa Rica over any portion of the San Juan River or Lake Nicaragua.* On the other hand, Great Britain favored the pretensions of Costa Rica to such jurisdiction.† Thus the old controversy concerning the territorial rights of those states was revived.

Meanwhile, the United States Government had been engaged in negotiating a new treaty of commerce and navigation with Nicaragua. The result was the Cass-Yrissari treaty, signed at Washington, November 16, 1857.‡ By its terms the United States secured the privilege of transit through the territories of Nicaragua, and the right to use her land and naval forces for the defense of the route. The United States was also given the unrestricted right of transporting troops and munitions of war over any sea-to-sea communication through that state. All such passage-ways were to be open to the commerce of all nations and provided with a free port at each extremity. The United States guaranteed the neutrality and protection of any interoceanic channel across Nicaragua, and agreed to use her influence to induce other powers to enter into similar engagements for the freedom and defense of such a work.

In concluding this convention the United States Government had endeavored to avoid anything that would conflict with the engagements of the Clayton-Bulwer treaty. Nevertheless, the results were not acceptable to the British Government. The provisions relating to the use and transportation of United States troops were not only distasteful to it, but were regarded as inconsistent

* Sen. Ex. Doc. 194, 1st Sess. 47th Cong., pp. 112, 113.

† British Blue Book, for 1860, on Central American Affairs, pp. 47, 53.

‡ For the Cass-Yrissari treaty see Sen. Ex. Doc. 194, 1st Sess. 47th Cong., pp. 117-125.

with the neutrality of the transit.* Hence it is evident that the conclusion of this convention had done nothing toward improving the relations of Great Britain and the United States.

Thus the year 1857 drew to a close with nothing accomplished toward settling the questions at issue respecting Central America. The situation at that time may be briefly stated thus. Abrogation had been talked of in both countries but finally dropped. Arbitration had been proposed by Great Britain and rejected by the United States. Through direct negotiations the Dallas-Clarendon treaty had been concluded but finally abandoned.† In addition, the efforts of Great Britain and Honduras to effect a settlement of their differences concerning the Mosquito Shore and the Bay Islands, had resulted in failure. New complications had arisen in consequence of the unsettled condition of Central America and the struggles between the rival transit companies. Finally, the conclusion of the Cass-Yrissari treaty tended to arouse the suspicion and opposition of the British Government and, therefore, to enhance the difficulty and danger of the situation.

But the fact that such a number and variety of efforts at settlement had been made in vain, impressed the two governments with the necessity of effecting a speedy adjustment of the matter. But under the existing conditions the question of means to be employed was one of paramount importance, especially to the British Government which now determined to take the initiative. In some respects, however, circumstances were favorable to its undertaking. Within the last year there had been a complete change in the attitude of Central America toward

* British Blue Book, for 1860, on Central American Affairs, pp. 68-70.
† Ibid., p. 123.

Great Britain. So radical and comprehensive had been this change, that it suggested the means for settling the controversy and gave earnest of the success of the enterprise. In order to make this clear a brief digression at this point will be necessary.

For some years prior to this time, Nicaragua had been harrassed by filibustering expeditions organized in the United States. One result of this movement was the overthrow of the Republican Government in that state and the establishment of a despotic rule under William Walker, the leader of the filibuster forces.* But not content with his success in Nicaragua, Walker soon made preparations for an attack upon Costa Rica. From the first the other republics had viewed Walker's proceedings with disfavor; but when they realized that they, themselves, were likely to become the victims of his lawless enterprise, they took alarm and united their forces for defense. This occurred in the Spring and Summer of 1856, and led to Walker's overthrow in the course of the following year.† But he made his escape to the United States and at once began preparations for another invasion of Central America.‡ At that juncture all the states became apprehensive for their safety. It was well known that a large portion of the American people were in sympathy with Walker's enterprise, and were ready to furnish men and money for carrying it out.§ Besides, it was generally believed that the United States Government would not seriously interfere with the filibusters. This belief coupled with the sense of imminent danger, had worked a complete revolution in the feelings of the Central Americans. Instead of regarding the United States

* Walker's War in Nicaragua, p. 228.
† Bancroft's Hist. of Cent. Am., III, p. 361.
‡ Doubleday, The Filibuster's War in Nicaragua, p. 193.
§ Wells' Walker's Expedition, pp. 189, 231.

as a friend they now viewed her with dread and suspicion.* On the other hand, the British Government had responded to the appeal for help and materially aided in the overthrow of Walker. Furthermore, that Government had given assurances of future assistance in case of need. Thus one result of Walker's enterprises was to change completely, the attitude of the Central Americans toward Great Britain and the United States.

Moreover, the operations of the filibusters were not devoid of influence on the relations of the United States and England. In the first place, there can be little doubt that many in the United States looked with favor upon the filibustering expeditions to Central America, because they believed that those lawless enterprises would put an end to British influence in that quarter. Had it not been for the prevalence of that belief, it is quite probable that the filibusters would have found less sympathy and support in the United States than they did.† This condition of affairs tended to intensify the popular feeling against Great Britain. Although the views of the Americans on this subject were imperfectly understood in England, they were not devoid of influence there. The British Government, however, appears to have regarded Walker's enterprises as a scheme for bringing one or more of the Central American Republics under the dominion of the United States. If that should be accomplished the United States would not only obtain control of the isthmian transit, but secure an extension of her slave territory also.‡ This view of the matter was reinforced by the apparent lax-

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* Sen. Ex. Doc. 13, 1st Sess. 35th Cong., p. 4.

† Wells' Walker's Expedition, pp. 232, 233.

‡ Pim's Gate to the Pacific, p. 47. Corr. with Wallerstein, p. 14.

NOTE—The correspondence with Wallerstein was presented to the British Parliament in 1856. Wallerstein was the British Consul General to Guatemala and Costa Rica when the filibustering expeditions of Walker were in progress.

ness of the Government in enforcing the neutrality laws, and its haste to recognize the Walker Government in Nicaragua.* Doubtless these considerations induced Great Britain to assist the Central Americans in their struggle against Walker. But her readiness to render such assistance caused many in the United States to suspect her motives. Thus the filibustering movements reacted most unfavorably on the relations of Great Britain and the United States. At the same time, they prepared the way for an extension of British influence in Central America.

Such was the condition of affairs when the United States refused to treat upon the basis of the British substitute for the Dallas-Clarendon treaty. The British Government, anxious to secure relief from the embarrassment incident to the matter, was ready to adopt any measure which promised an amicable settlement without detriment to British interests. It, therefore, determined to take advantage of the altered conditions in Central America, and to send a special commissioner to that country with full power to treat with the different states for the settlement of the questions pending between them and Great Britain.† In this way the British Government hoped to establish closer relations with Central America and, at the same time, remove the cause of misunderstanding with the United States regarding the Clayton-Bulwer treaty. It was the more confidently expected that this might be accomplished because Her Majesty's Government was willing to concede something on the points that caused the failure of the Dallas-Clarendon treaty.‡

This plan having been adopted it was expedient that every means should be employed to promote its success.

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* Brit. Blue Book for 1860, on Cent. Amer. Affairs, p. 130. Sen. Ex. Doc. 68 1st Sess. 34th Cong., p. 6.

† British Blue Book on Cent. Am. Affairs for 1860, p. 52.

‡ Ibid., pp. 58 and 65.

The first step in that direction was to allay the popular excitement in the United States and induce the Government to sanction the movement. Accordingly, in October, 1857, Napier, the British Minister at Washington, was directed to inform the President of the nature and object of the Special Mission to Central America.* This information produced such a favorable impression upon the President that he readily agreed to modify the tone of his annual message so far as it related to the Clayton-Bulwer treaty. This promise, however, was conditioned upon the receipt of a formal statement regarding the nature and purposes of the Special Mission. He also agreed to withhold his sanction from any movement that might be made in Congress, during the ensuing session, against the treaty.†

From this it would seem that the views of the two governments were so nearly in accord as to warrant the expectation of a speedy settlement of the matter. But it soon became evident that such was far from being the case. In a subsequent interview the President stated that a satisfactory adjustment of the questions at issue would include the restoration of the Bay Islands to the Republic of Honduras, the substitution of Nicaraguan sovereignty for the British protectorate in Mosquito, and the restriction of Belize to its original limits.‡ The British Government, however, had no notion of conceding these points, and especially the one relating to Belize. Lord Napier urged, and not without reason, that it could not have been anticipated that the United States would now expect England to surrender the greater part of British Honduras. He pointed out that the United States

* Ibid., p. 67.
† Ibid., p. 59. Sen. Ex. Doc, 194, 1st Sess. 47th Cong., p. 116.
‡ British Blue Book on Cent. Am. Affairs for 1860, p. 61.

Government had already assented to that part of the Dallas-Clarendon treaty which confirmed the British claims there.* Obviously, there was little chance for an agreement so long as the United States should maintain this position respecting Belize.

Both Napier and the British Government appear to have feared that the disagreements between the two governments, respecting Belize and the Mosquito protectorate, would finally lead to the abrogation of the treaty at the coming session of Congress. As such action could hardly fail to produce a rupture of the friendly relations of the two countries, the British Government was anxious to exhibit its policy in the most favorable light. Therefore, it renewed the offer of arbitration.† This, however, was not received with any greater favor by the United States than before. Hence there appeared to be nothing left for the British Government to do but to proceed with the plan of the Special Mission. But so imminent did the danger of abrogation appear, that warning was hastily given to Sir William Ouseley, who had been selected for the Central American mission, against committing Great Britain to any course of action that might prove detrimental to her interests, in case the treaty should be abrogated. He was also forbidden to take any action whatever regarding the Bay Islands till it was known what course Congress would take with the Clayton-Bulwer treaty.‡ Thus it is evident that the unwillingness of the United States to acquiesce in the terms proposed by Great Britain tended to delay the final settlement of the question.

About the time that this cautionary instruction was issued, Ouseley arrived at Washington on his way to Cen-

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*Ibid., p. 61.
†Ibid., p. 63.
‡Ibid., p. 64.

tral America. In compliance with his instructions, he proceeded to sound the President and Secretary of State regarding the attitude of the Government toward his mission. In an interview with the President it was agreed that the nature and scope of Ouseley's Mission should be officially communicated to the Secretary of State. This was done by Napier in a letter bearing date November 30, 1857. From this letter it appeared that Ouseley was authorized to treat with the states of Nicaragua, Honduras and Guatemala relative to the Mosquito Coast, the Bay Islands and Belize. In general, he was to follow the plan of the Dallas-Clarendon treaty in the settlement of these questions. Yet he was not required to insist upon the exact terms and conditions of that instrument. A reservation was to be established for the Indians within the territory already claimed by them. The Mosquitos were to surrender their rights to all the remaining portion of the Coast, in consideration of a money indemnity to be paid by the states claiming jurisdiction there. Greytown was to be made a free port subject to the sovereignty of Nicaragua, which was also to be recognized in all that portion of the Mosquito territory that lay within her borders. He was authorized to restore the Bay Islands to Honduras under conditions more favorable to that Republic. The boundaries of Belize were to be definitely fixed, though England's right to all the territory she claimed there must be recognized.*

Although the President was eager for a settlement, there is reason to believe that he was not altogether pleased with the terms England insisted upon. At all events, in his annual message for 1857, he took strong ground in favor of abrogating the treaty by mutual con-

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*Ibid., p. 71. Sen. Ex. Doc. 194, 1st Sess. of 47th Cong., p. 125.

sent. Nevertheless, he declared himself ready to contribute to any reasonable arrangement that was not inconsistent with the American interpretation of that instrument. He remarked that overtures for the purpose of settling the difficulties had lately been made by Great Britain which he cordially reciprocated.* Yet he gave no indication that he regarded the outlook for a speedy settlement as encouraging. On the whole, the tone of the message must have been far from reassuring to the British Government.

But the reluctance of the United States to acquiesce heartily in the proposed arrangement was not the only obstacle which Ouseley had to encounter. In addition, there was the revival of Walker's filibustering movements. In consequence of this state of affairs, practically nothing was attempted by either government for a period of several months. But the failure of Congress to take any definite action toward abrogating the treaty, and the measures adopted by the Government for the suppression of the filibusters, at length, encouraged England to renew her efforts.† Accordingly, in February, 1858, Napier informed General Cass that his Government was ready to order Ouseley to proceed with the execution of his mission But before doing so, it desired a definite answer from the United States regarding the offer of Great Britain to submit the questions at issue to the arbitration of some third power. This, he said, was desired in order that his Government could determine the number and character of the questions that should be entrusted to Ouseley.‡ This request led to a long and spirited discussion between Cass and Napier. In the course of the interview it was shown

* Messages and Documents for 1857 and 8, Pt. I, pp. 12, 13.
† British Blue Book, for 1860, on Cent. Am. Affairs, pp. 78-81.
‡ Sen. Ex. Doc. 194, 1st Sess. 47th Cong., p. 129.

that the governments had no clear understanding regarding each other's views of the Clayton-Bulwer treaty or the Central American questions. Each thought that it had given the other ample information, while that which it had received was incomplete and unsatisfactory. As for arbitration, the United States Government was no more ready to adopt this method of adjustment than when it was first suggested. Nor was abrogation by mutual consent more acceptable. At first, Great Britain did not favor the unconditional repeal of the treaty while the United States did. However, the British Government soon changed its attitude and signified its willingness to assent to an unconditional abrogation of the Clayton-Bulwer treaty, but stated that in the event of such abrogation, it would resume the "*status quo ante*" the conclusion of the convention and "would hold itself as free to act in regard to Central America . . . . as if the treaty had never been concluded."*

Under those circumstances, the simple abrogation of the treaty did not promise any improvement in the relations of the two governments or the condition of the Central American states. The truth of this will become more evident when it is stated that the British Government had determined that, if freed from the restraints of the Clayton-Bulwer treaty, it would, thereafter, avoid any similar arrangement with the United States.† In fact, as pointed out by Cass, the unconditional abandonment of the treaty, under existing circumstances, would be equivalent to giving up all hope of an amicable settlement of the difficulties.‡ Hence, it is not surprising that the United States did not press for the abrogation of the treaty, but

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* Ibid., p. 133, British Blue Book, for 1860, on Cent. Am. Affairs, p. 86.
† Ibid., p. 86. Sen. Ex. Doc. 194, 1st Sess. of 47th Cong., p. 132.
‡ Ibid., p. 144. British Blue Book, for 1860, on Cent. Am. Affairs, p. 91.

preferred to retain it as an instrument for resisting British pretensions in Central America. Thus it is clear that the plan adopted in the Ousley Mission was the only one that promised anything in the way of settlement.

This was substantially all that had been accomplished by the close of April, 1858. The governments had found it impossible to agree upon arbitration or abrogation, and the failure of the United States to give an unqualified assent to the Ousley Mission was still a check upon that enterprise. By the time affairs had reached this stage, an event occurred at Greytown which caused still further delay. In the latter part of April, Colonel Kinney, of the United States, claiming a considerable tract of country in the vicinity of Greytown, attempted to overthrow the local government at that place and substitute what he claimed to be Nicaraguan rule in its stead. His efforts were successfully resisted by the inhabitants of the town; but so alarmed were the states of Nicaragua and Costa Rica that they hastened to place themselves under the joint protection of Great Britain, France and Sardinia.* Naturally, Kinney's movements were not without influ ence upon Great Britain. Steps were immediately taken by that power to support the local authority at Greytown.† But it was not till the middle of July that the fear of a renewal of this and similar expeditions had subsided sufficiently for the prosecution of negotiations in Central America.

But the effect of these movements was not lost upon the British Government. These, together with the reluctance of the United States to co-operate with Great Britain in the proposed settlement, constrained the latter to act with caution. To what extent that Government

*Ibid., p. 122.
†Ibid., pp. 98, 99.

was influenced by these considerations is shown by the instructions given to Ouseley at this time. In place of treating with Guatemala, Honduras and Nicaragua as originally contemplated, he was restricted to Costa Rica and Nicaragua. Even in the case of those states he was limited to the subjects of commerce and the Mosquito question.* But hardly had these instructions reached Ouseley when he was again delayed by new obstacles. Among them may be mentioned the controversy between the United States and Nicaragua concerning the Cass-Yrissari treaty. So strained had become the relations of these two Republics that war seemed imminent. But an armed conflict between them would necessarily put an end to any negotiations between Great Britain and Nicaragua. Hence, nothing could be done toward effecting an arrangement with Nicaragua till the difficulty between her and the United States had been settled. England aided the efforts to secure an adjustment of the difficulty, but before the work was accomplished the irrepressible Walker again made preparations to renew his filibustering movements. As the United States was apparently unable or unwilling to prevent the organization and departure of these expeditions, Great Britain determined to take some energetic measures for the protection of Central America. To that end she stationed a strong naval force in the isthmian waters, and urged the United States to use more energetic means for suppressing the filibusters. She also invited the co-operation of the French navy. Finally, arrangements were made between the Central American states and England for the co-operation of the British naval forces with the military of Central America in case of need.†

* Ibid., pp. 100, 101.
† Ibid., pp. 130-131.

The United States protested against this agreement, on the ground that such action was contrary to the terms of the Clayton-Bulwer treaty. It was also asserted that the employment of British forces would tend to promote the filibustering spirit in the United States.* The British Government, however, refused to recede from its position, and events soon demonstrated the wisdom of its course. For, despite the greater precautions which the United States now took, the filibusters succeeded in getting to sea, and, in all probability, would have landed in Central America, had it not been for the vigilance of the British naval forces. The failure of the filibusters, together with the establishment of more cordial relations between the United States and Nicaragua, opened the way for resuming the British negotiations with the Central American states. Another favoring circumstance was the more conciliatory attitude of the United States toward Great Britain, which was reciprocated by the British Government. In consequence of the altered state of affairs, Ouseley was now authorized to undertake the settlement of all the questions contemplated by his first instructions, and upon the same terms. That is, the difficulties relating to Belize, the Bay Islands, the Mosquito protectorate and Greytown were to be adjusted. Of this determination the United States was officially informed in December, 1858.†

Thus, after tarrying more than a year at Washington, Ouseley was at length enabled to proceed with theexecution of his mission. But no sooner was this undertaken than new and unexpected difficulties appeared. Prominent among these was the obstinate refusal of Nicaragua to treat with Great Britain concerning the Mosquito pro-

*Ibid., p. 138.
†Ibid., p. 157.

tectorate, till a commercial treaty had been concluded with her. On the other hand, England was equally determined that both matters should be settled simultaneously. But so persistent was Nicaragua that Ouseley, at length, yielded to her demands and signed a commercial treaty without securing any adjustment of the Mosquito question.* As anticipated by the British Government, this action on the part of its representative only tended to delay the final settlement. No sooner had the commercial treaty been concluded than Nicaragua took higher ground regarding her rights in Greytown and the Mosquito. Nor is that all. Her demands upon the United States relative to the Cass-Yrissari treaty were revived and urged with such vigor, not to say insolence, that the relations of the two republics again became quite strained.† Besides, the conclusion of a commercial treaty with Nicaragua, while the Mosquito question remained in abeyance, was regarded with suspicion and disfavor by the United States Government.‡

Thus, after several months spent in negotiations, nothing of value had been accomplished. Moreover, his failure to follow his instructions had lost Ouseley the confidence of his Government, which now determined to entrust a part of the negotiations to other hands. Accordingly, in February, 1859, Mr. C. L. Wyke, the British Consul-general in Central America, was directed to undertake a settlement of the Belize boundary question.§ To this task Mr. Wyke addressed himself with such zeal that by the latter part of April he had concluded a treaty with Guatemala, which recognized the right of Great Britain

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* Ibid., p. 179.
† Ibid., pp. 212, 216-219.
‡ Ibid., p. 216.
§ Ibid., p. 171.

to Belize or British Honduras with the boundaries claimed in 1850.* Thus England finally secured all that she had ever demanded respecting that region.

But the very success that attended these negotiations served to increase rather than allay the excitement in the United States. That the British envoy in Nicaragua had thus far been unable to conclude a treaty for the surrender of British dominion in that quarter, while another in the neighboring state of Guatemala had, in a much shorter time, succeeded in concluding one by which British dominions there were confirmed and extended, was regarded as a very untoward circumstance. The Government at Washington was so impressed with this view of the matter that it called upon England for an explanation.† At the same time the President urged that the whole Central American question should be settled before the next session of Congress. Otherwise serious consequences might result.‡ The British Government, however, maintained that the peculiar course which the negotiations had taken was wholly unintentional on its part. The settlement of the question respecting Belize before any of the others was a mere accident.§ It was the purpose of England to settle all the questions connected with Central America as speedily as possible; yet she could not undertake to do so within the time specified by the United States.‖ In proof of its sincerity the British Government recalled Ouseley and turned the negotiations over to Mr. Wyke. Such was the condition of affairs in the midsummer of 1859, when Wyke undertook to complete the work of settling the Central American disputes.¶

* Ibid., p. 251.
† Ibid., pp. 267, 288.
‡ Ibid., pp. 267-268.
§ Ibid., p. 266.
‖ Ibid., p. 266.
¶ Ibid., pp. 288-287.

Profiting by the mistakes of his predecessor and his own extended experience with the Spanish-Americans, Wyke found little difficulty in concluding treaties with the Republic of Honduras for the restoration of the Bay Islands and the settlement of the Mosquito question so far as it related to that state. By these treaties the sovereignty of Honduras was recognized over all that portion of the Mosquito territory that lay within her borders, and in return she was obliged to indemnify the Indians in money. The Bay Islands were to be restored to her with no other conditions than that the British subjects should not be molested in their property rights or religious freedom.* Obviously, Great Britain had consented to a very material modification of her demands respecting the status of those islands. In a word, she had acceded to the demands of the United States regarding them.

These matters settled, Wyke turned his attention to Nicaragua. But in that case he had to deal with a more complex matter, and was to encounter much greater opposition from the Government of the state. Nevertheless, a treaty for the final settlement of the question was signed at Menagua, January 28, 1860. This was not accomplished without some modifications in the terms proposed by the British Government, but they were of minor importance. As finally concluded, the treaty provided for the relinquishment of the British protectorate of Mosquito; the establishment of a reservation for the Indians; the erection of Greytown into a free port; the confirmation of all *bona fide* grants of land made under Mosquito authority and, finally, the payment of a money compensation to the Indians for giving up their claims to Greytown and the territory in its vicinity.†

* Ibid., pp. 308, 310.
† Ibid., pp. 315-318.

The protectorate was to be abandoned by Great Britain within three months after the exchange of ratifications. The reservation for the Indians was to be established within the region claimed by them, and made subject to the jurisdiction of Nicaragua under certain restrictions. That is, the Republic was to respect the rights of the Mosquitos, who were to have the privilege of pursuing their usual occupations and governing themselves according to their customs, providing such customs were not inconsistent with the sovereign rights of Nicaragua. The Indians could not cede their territory to any foreign power; yet they were at liberty to become incorporated into Nicaragua upon equal footing with other citizens. All *bona fide* grants of land, made in the name and by the authority of the Mosquitos, since January 1, 1848, and lying beyond the limits of the territory reserved for them, were confirmed. Commissioners were to be appointed by both Governments to investigate the validity of these claims. Nicaragua was to pay $5,000 per year for the period of ten years as compensation to the Indians and to establish Greytown as a free port, though she could levy the usual duties on goods for consumption within the limits of the Republic.*

This treaty as well as the one with Honduras met with considerable opposition when they were submitted, to the legislative assemblies of those states for confirmation. The Honduras treaty was finally ratified in February, though with a majority of but one vote.† In that case, the weight of the opposition came from the church party who took exception to the provision granting freedom of worship to the inhabitants of the Bay Islands.

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* This treaty is found in Sen. Ex. Doc. 194, 1st Sess., of 47th Cong., pp. 151, 154.

† British Blue Book, for 1860, on Cent. Am. Affairs. p. 320.

The opposition to the Nicaraguan treaty was so determined that, for a considerable time, it seemed as though it would be defeated, in spite of the strenuous efforts of the British Minister. Even then it is not unlikely that it would have been rejected had not certain modifications been made. The most important of these related to the land grants. The Congress naturally desired the district within which they were confirmed to be restricted to the narrowest possible limits. For that reason the article confirming the grants was considerably modified. As amended the treaty provided for the confirmation all *bona fide* grants of land in the region lying between 84° 30' west longitude and the western border of the reservation.* It was also provided that all such grants outside of that region should be replaced by grants within it.† This amendment was rendered a practical nullity by the declaration of the British Secretary of Foreign Affairs upon the exchange of ratifications which took place at London, August 2, 1860.‡

On the fourth of the same month, Lord Russell wrote to Lyons the British Minister at Washington, instructing him to give General Cass copies of the treaties which had been concluded with Honduras and Nicaragua. In conclusion he said, "These treaties, as you will perceive, provide for the relinquishment of the protectorate of the Mosquito Indians by Great Britain, and for the cession of the Bay Islands to Honduras; and thus it may be hoped, finally set at rest the questions respecting the interpretations of the Clayton-Bulwer treaty which have been the subject of so much controversy between this

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*Hertslet's Com. and Slave Trade Treaties, XI, p. 450.

†British Blue Book, for 1860, on Cent. Am. Affairs, p. 321. Sen. Ex. Doc. 194, 1st Sess. of 47th Cong., p. 153.

‡Ibid., p. 154.

country and the United States."* That such would be their effect appears to have been the opinion of the Government at Washington. President Buchanan in his annual message, for 1860, expressed the satisfaction of the Government with the arrangement in the following language. "Since the commencement of my administration," he said, "the two dangerous questions arising from the Clayton-Bulwer treaty, and from the right of search claimed by the British Government have been amicably and honorably adjusted. The discordant constructions of the Clayton and Bulwer treaty between the two governments . . . have resulted in a final settlement entirely satisfactory to this government."†

That the adjustment thus secured should have been received as "entirely satisfactory" is somewhat remarkable for it expressly confirmed the land grants made by the Indians and hence by implication, at least, recognized their right to make such grants. This the United States had from the first stoutly denied. Moreover, Buchanan himself, while Minister to England, found it necessary to defend the position of his government regarding that matter.‡ In justice to Buchanan, however, it may be said that he was probably unaware of Lord John Russell's declaration exempting the land grants when he pronounced the Central American arrangement "entirely satisfactory." Be that as it may, it has been asserted, by high authority, that at the time Buchanan penned his message he did not know that the treaty with Nicaragua "assigned boundaries to the Mosquito reservation probably beyond the limits which any member of that tribe had ever seen, or that it confirmed the grants of land

* British Blue Book, for 1860, on Cent. Am. Affairs, p. 329.
† Message and Doc.'s for 1860 and 61, p. 15.
‡ House Ex, Doc. 1, Pt. 1, 1st Sess. of 34th Cong., p. 53.

previously made in the Mosquito territory."* But it is difficult to understand how he could have been ignorant of the arrangements respecting the land grants except upon the supposition that the British declaration of August 2, was withheld from him. However that may be, his statement that the adjustment was acceptable to the United States Government is of more than passing interest, because it has since been seized upon by the British in their efforts to justify their position respecting the Clayton-Bulwer treaty and Central America, as will be seen later.

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* Wharton's Digest of International Law, II, p. 242. III, p. 34.

CHAPTER VI.

Apparently the people of the United States fully acquiesced in President Buchanan's declaration regarding the settlement of the Clayton-Bulwer controversy. But, whatever may be said concerning the character of that arrangement, the whole matter was necessarily lost to public view in the presence of the impending civil war, which broke out a few months later. During the continuance of that struggle and for some years after its conclusion, little or nothing was heard of the Clayton-Bulwer treaty. Not even the conversion of Belize from a British settlement to a full British colony, or the continued intervention of Great Britain in the affairs of the Mosquito Coast appears to have attracted any particular attention in the United States. At all events, those acts did not call forth any protest from the Government as being infractious of the Clayton-Bulwer treaty. In fact, both parties to that instrument seem to have regarded it as still in force and gave it very little attention.*

But this attitude was not to be maintained indefinitely; by 1868 there were unmistakable signs of an approaching change. Early in the following year, the United States negotiated a treaty with Columbia relative to interoceanic water-ways across the Isthmus of Panama, which gave the former a monopoly of control over any such work.† The treaty, however, was never ratified by either government, and is of interest to us in this connec-

* Snow's American Diplomacy, p. 337.

† Seward's Works, V, p. 34. Sen. Ex. Doc., No. 112, 2nd Sess. 46th Cong. p. 36.

tion simply as an indication of the change of sentiment in the United States respecting interoceanic communication and the Clayton-Bulwer convention. In 1870 a second treaty of the same general character was concluded.* As these treaties were separated by the space of two years, and negotiated under the auspices of different Administrations there can be no question concerning the change of attitude on the part of the United States. But notwithstanding this disposition to ignore some of the more important provisions of the Clayton-Bulwer treaty, the Government began to show some solicitude lest Great Britain should violate that instrument. It did not hesitate to appeal to the treaty for the purpose of checking British encroachments in Central America. A notable instance of that kind occurred within three years after the conclusion of the second treaty with Columbia. At that time a rumor became current that Great Britain was about to extend the limits of Belize or British Honduras. Whereupon, Secretary Fish directed the American Minister at London to make inquiries concerning the correctness of the report, and, if it should prove to be well founded, to protest formally against such extension as an infringement of the Clayton-Bulwer treaty.† This is a fair illustration of the American inconsistency respecting the convention of 1850. This lack of uniformity on the part of the United States renders it difficult to determine where justice lies in the controversies that have arisen concerning that instrument.

Doubtless many causes operated to revive the interest of the United States in a water-way across the American isthmus, and led to the conclusion of the above mentioned

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* Ibid., p. 41. Snow's American Diplomacy, p. 338.

† Sen. Ex. Doc. 194, 1st Sess. 47th Cong., p. 164. Wharton's Digest, II, p. 209. Snow's American Diplomacy, p. 338.

treaties. But in all probability, the most potent of those causes was the successful completion of the Suez Canal in 1869. This event appealed to the whole civilized world, and directed the attention of both Europe and America to the Isthmus of Panama as affording an opportunity for repeating the Suez experiment. Negotiations were undertaken to secure the necessary concessions, and numerous explorations were made for the purpose of ascertaining the most feasible route for such a work.* Naturally the United States took an active interest in these proceedings. But before the Government decided what was the most practicable route for such a work, a Frenchman had secured a concession from Columbia for the construction of a canal across the Isthmus of Panama.† This was in 1878, and was soon followed by the organization of a company which actually began the work of opening the canal.

The action of the French alarmed the people and Government of this country. Resolutions were introduced in both Houses of Congress declaring that the United States must exercise such control over any interoceanic canal as her safety and prosperity demanded.‡ On March 8, 1880, President Hayes, in a special message to Congress, declared "the policy of this country to be an American canal under American control. The United States," he continued, "cannot consent to the surrender of this control to any European power or combination of European powers. If existing treaties between the United States and other nations . . . . stand in the way of this policy . . . . suitable steps should be taken by

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* Ibid., p. 338.

† Ibid., p. 339. Sen. Ex. Doc. 112, 2nd Sess. of 46th Cong., p. 84. N. B. Wise, Le Canal de Panama, p. 371.

‡ Cong. Record, IX, p. 2312, X, pp. 1392, 1396, XI, pp. 107, 1566. Snow's Am. Diplomacy, p. 340.

just and liberal negotiations to promote and establish the American policy. . . . I repeat in conclusion that it is the right and duty of the United States to assert and maintain such supervision and authority over any such interoceanic canal across the isthmus which connects North and South America as will protect our national interests."* Accompanying this message was the report of Secretary of State Evarts in which he made use of the following language: "The United States, therefore, as the great commercial and political power of America becomes necessarily a principal party to any project . . . proposed to solve the problem of interoceanic transit. The question presents itself to this government as a territorial one, in the administration of which as such, it must exercise a potential control."† In these documents we have for the first time a distinct declaration on the part of our government that any isthmian canal must be under the exclusive control of the United States.

Apparently Congress understood the President to mean the Clayton-Bulwer convention by his reference to existing treaties that might stand in the way of realizing the American policy. At all events, measures were soon taken for the removal of that obstacle. On the 22nd of the same month, a joint resolution was introduced in the House calling upon the President to notify Great Britain of the abrogation of the Clayton-Bulwer treaty.‡ Fol-

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* Sen. Ex. Doc., 194, 1st Sess. of 47th Cong., p. 165. Sen. Ex. Doc. 112, 1st Sess. of 47th Cong., pp 1, 2.

† Ibid., p. 17. Sen. Ex. Doc., 194, 1st Sess. of 47th Cong., pp. 165, 166.
NOTE—Yet notwithstanding these declarations which are plainly incompatible with both the letter and spirit of the Clayton-Bulwer treaty, it is to be noted that less than one week previous to their appearance, the Secretary of State in writing to the United States Minister to Central America respecting the rumor that Great Britain was about to acquire possession of the Bay Islands by purchase made use of the following language. "It seems unquestionable that the Clayton-Bulwer treaty precludes the acquisition of these islands by Great Britain." Snow's American Diplomacy, p. 336. Wharton's Digest, II, p. 209.

‡ House Journal, 2nd Sess. of 46th Cong., pp. 834, 1034.

lowing close upon this came a report from the House Committee on Foreign Affairs condemning the treaty as a fruitful source of misunderstanding between the two governments, and recommending that steps be taken for its abrogation.* Thus, by the Spring of 1880, a new and distinct policy respecting interoceanic communication had been adopted by the United States. That is, the Government now took the ground that, notwithstanding treaty stipulations to the contrary, the United States must have control of any canal or other means of communication that might be opened across the isthmus. In order to facilitate the realization of this policy there was a growing demand for the abrogation of the Clayton-Bulwer treaty.

Such was the attitude of the Government in 1880, while in 1860, all that the United States pretended to demand was that any canal across the isthmus should be equally free to the ships of all nations that would join in the stipulations of the Clayton-Bulwer treaty for the protection and neutralization of such a channel. In a word, the United States had changed from the advocate of a neutral canal open to the commerce of the world, to a claimant for exclusive control of any such work. Nor was this change a sudden or unpremeditated one. The period from 1860 to 1880 may be regarded as one of transition, during which a complete revolution was wrought in the policy of the United States respecting the status of interoceanic transits.

This fact suggests the query,—What caused this complete change in the attitude of the United States? Although this question does not admit of an absolute answer, it may not be wholly amiss to suggest some

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* House Report 1121, 2nd Sess. of 46th Cong.

things which must have exerted more or less influence in bringing about this change. Among these may be mentioned the experience of the United States in protecting and maintaining the neutrality of the Panama railroad. This experience, covering a period of twenty-five years, seemed to afford convincing proof that an isthmian transit could not be effectively protected without frequent resort to armed intervention in the affairs of that region.* But such intervention on the part of European powers would contravene the established policy of the United States and, as generally believed, be a menace to her interests. In view of those considerations it was but natural that the United States should claim the right to control any interoceanic transit that might be opened across the isthmus, and especially any ship-canal. Another circumstance that was not without weight was the continued interference of Great Britain in the affairs of Central America.

In order to make this clear it will be necessary briefly to refer to the conditions that had obtained on the Mosquito Shore since the conclusion of the treaty of 1860 between Great Britain and Nicaragua. According to the terms of that instrument the sovereignty of Nicaragua was acknowledged to extend over the whole of the Mosquito country which lay within the limits claimed by her, but a portion of this territory was set apart as a reservation for the Indians.† Within this region the Mosquitos were to enjoy the privilege of governing themselves according to their customs and usages. But as they were wholly incapable of maintaining any efficient government, that duty devolved upon the foreigners—mostly British

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* Sen. Ex. Doc. 112, 2nd Sess. of 46th Cong., p. 4. House Ex. Doc. 183, 2nd Sess. of 49th Cong., p. 2. Wharton's Digest III, pp. 9 and 10. App., p. 891.

† British Blue Book, for 1860, on Cent. Amer. Affairs, pp. 315 and 316.

subjects—located among them.* Naturally this class was intent upon advancing its own interests without much regard for the rights of Nicaragua or the Mosquitos. This caused a series of disputes between the so-called Mosquito Government and that of Nicaragua. In such cases the former frequently appealed to England for support, and with good reason for that power was usually ready to espouse its cause. The justification for such a proceeding the British Government professed to find in the treaty of Managua.

The result was an almost continuous controversy with Nicaragua, which constantly became more bitter as time passed. In 1879 the question was submitted to the arbitration of the Emperor of Austria, and was still under advisement (1880) when the United States Government took a definite stand for the control of the transit routes.† Doubtless this condition of affairs had a powerful influence in leading to that determination. The truth of this is evident from the fact that England's being a party to such an arrangement was a clear admission on her part, that she still claimed the right to interfere in the affairs of Central America for the protection of the Mosquitos. If that pretension were sustained by the arbitrator the sovereign rights of Nicaragua would be limited, and some justification afforded for British interference in Central American affairs. Under those circumstances there was danger that British influence in that quarter would be extended till it became a menace to the freedom of an isthmian transit. That such fears were not altogether groundless, is shown by the character of the Emperor's award,‡ which was rendered in the course of the follow-

*Sen. Ex. Doc. 3, 1st and 2nd Sess. of 34th Cong., p. 2. Sen. Ex. Doc, 20, 3rd Sess. of 53rd Cong., p. 127. Wharton's Disgest, III, p. 36.

†Ibid., Sec. 295. For. Rel. for 1888, p. 763.

‡For. Rel. 1888, p. 763. Wharton's Digest, III, pp. 34–36.

ing year, and the subsequent attempts on the part of the British Government to make the award a justification for British intervention in the affairs of the Mosquito Coast.*

Although the experience of the United States with the Panama railroad, and the course of Great Britain respecting the Mosquito Shore were important factors in producing this change of attitude, they are not sufficient to account for one so radical. Other considerations played an important part in producing that result. Somehow the people had come to believe that a canal across the isthmus would be a menace to the peace and welfare of the United States unless that power should have full control of it. What produced this impression it is impossible to say with certainty. Doubtless the old jealousy of European intervention in the affairs of this continent was an important factor. But there must have been some other influence which gave point and energy to this belief, otherwise the change of policy would have been less radical and complete. And that influence is not far to seek. The people of this country had not yet forgotten the unfriendly spirit which the powers of Europe manifested toward the United States in her hour of peril. They still remembered with what satisfaction some of those powers had witnessed the destruction of her sea borne commerce. Nor were they forgetful of the eagerness with which those same nations had seized the opportunity afforded by the Civil War for an invasion of Mexico and Spanish America. The establishment of a monarchy by European bayonets, on the ruins of an American Republic, had made too deep an impression upon the minds of the people to be effaced in the brief period that had since elapsed. The memory of these

* For. Rel. 1888, p. 768. Ibid., 1893, pp. 164, 173 and 174.

things still remained to give form and zest to the opposition against European influence in the affairs of this continent.

Moreover, it was notorious that the very weakness and instability of the Spanish-American states offered an inviting field for the ambitious rulers of the Old World. Hence, to allow European powers to control any isthmian canal was to afford them a pretext for forcible interference in the affairs of that region. But judging from the experience of the past, such interference was almost sure to result in the acquisition of territorial dominion. Moreover, a ship-canal under European control might be made a means of discriminating against American commerce, to say nothing of the advantages it might afford an enemy in time of war. These were some of the considerations that brought about a change of policy on the part of the United States, and induced her to seek release from the provisions of the Clayton-Bulwer treaty.

But whatever may have been the cause of this change of policy, the fact remains that by 1880 the United States was definitely committed to it.* Although this stage was reached during the Administration of President Hayes, it was reserved for the next one to develope the policy. In his inaugural address, President Garfield declared that while the United States would urge no narrow or exclusive policy, nor seek peculiar or exclusive privileges yet, in his opinion, it was the "right and duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the isthmus . . . as will (would) protect our national interests."† This endorsement of the policy announced more than a year previously leads one to think that it

* Sen. Ex. Doc. 112, 2nd Sess. of 46th Cong., pp. 1 and 2.
† Garfield's Works, II, p. 794.

had received the sanction of public opinion. However that may be, events urged the Government forward in declaring and defining its position. Near the close of President Hayes' Administration, viz., February, 1881, a treaty had been negotiated with Columbia which secured to the United States the practical control of any canal across the Isthmus of Panama. The Government of that Republic, however, subsequently refused to ratify it. But that was not all. She soon afterward manifested a strong desire to be released from the obligations of the treaty of 1846 with the United States, which secured to that power the right to guarantee and protect the neutrality of the Panama Railroad. Moreover, Columbia was apparently on the point of inviting the powers of Europe to unite in guaranteeing her sovereignty over the isthmus, and the neutrality of any ship-canal that might be opened through it.* Under those circumstances the Government at Washington deemed it prudent to take some action regarding the matter.

Accordingly, on June 24, 1881, Secretary Blaine wrote the American Minister at London, that there was reason to believe that the great powers of Europe might be considering the propriety of jointly guaranteeing the neutrality of the projected ship-canal. In view of that fact, the attitude of his government should be made known. The United States, he continued, had long since perceived the necessity for an effective neutralization of the isthmian transits and had taken the proper measures to secure it. The treaty of 1846, with Columbia, bound the United States to "positively and efficatiously" guarantee the neutrality of the isthmus, and the Government had frequently vindicated that guarantee,

* Sen. Ex. Doc. 5, Special Sess., Convened, Oct. 10, 1881, p. 1.

There was, therefore, no legitimate reason for supplementing the United States guarantee by a joint agreement of the European powers. Moreover, such a proceeding on the part of those powers would amount to an intrusion into a field where the interests of the United States were paramount to those of all other nations. Consequently, the United States must oppose the foreshadowed action regarding the neutralization of the proposed canal. Yet her opposition was not prompted by a desire to secure exclusive or peculiar commercial privileges in the passage. Indeed, it was her wish that any means of communication across the isthmus should be open to the free enjoyment of all nations upon the same terms.

But with regard to the political control of such a highway, the case was different. A channel connecting the two seas bordering on the United States would, for all practical purposes, constitute a part of her system of internal communication. For that reason, the Government could never consent to any arrangement that would permit an isthmian passage to be used for hostile purposes against any part of its dominions. Therefore, the United States must oppose any scheme for the neutralization of the isthmian routes through the joint action of European powers. Such an arrangement would, in effect, amount to the political control of the isthmus, and partake of the nature of an alliance against the United States. Furthermore, it would constitute an extension of the political system of Europe to our shores, and a menace to the peace and welfare of this country.*

Such, in brief, were the views set forth by Mr. Blaine in his letter to Mr. Lowell. These instructions were also

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* Copies of letter are given in Sen. Ex. Doc., 5, Special Sess., 1881. For. Rel for 1881, pp. 537-540. Also Sen. Ex. Doc., 194, 1st Sess. of 47th Cong., pp. 174-177.

sent to all the American Ministers in Europe. By that means it was made known to the world, that the United States had adopted a new, and radically different policy regarding the isthmian transits, that was wholly incompatible with the stipulations of the Clayton-Bulwer treaty. Yet Blaine not only ignored the treaty but manifested considerable anxiety lest the attitude of the United States as set forth by him, should be regarded as the adoption of a new and aggressive policy. There is nothing in his letter to indicate that there was any such thing in existence as the treaty of 1850. This is remarkable since that instrument contained provisions which specifically related to the route of the proposed canal, and also embodied principles fundamentally different from those now promulgated. But even more remarkable was the attempt to represent his position as nothing more than an application of principles long since adopted and then firmly interwoven in the policy of the country.*

Certainly nothing could have been farther from the fact, so far as that policy related to the control of the isthmian transits. As early as 1826, Henry Clay in his instructions to the delegates to the Panama Congress stated that any canal across the isthmus should not be subject to the control of any one power, but open to the enjoyment of all nations.† This policy was reaffirmed in the resolutions passed by the Senate in 1835,‡ and in the House four years later.§ It formed the basis for the treaty of 1850, and was never repudiated during the long and bitter controversies that grew out of the diverse constructions placed upon the Clayton-Bulwer treaty, prior to 1860. As a matter of fact, it was not till some years

* Sen. Ex. Doc. 194, 1st Sess. of 47th Cong., p. 177.
† Cong. Debates, 1828 and 1829, V. App. p. 47.
‡ Sen. Journal, 2nd Sess. of 23rd Cong., p. 238.
§ House Reports, No. 322, 3rd Sess. 25th Cong., p. 7.

after the close of the Civil War that the Government showed any disposition to adopt the policy promulgated by Mr. Blaine. Indeed, it is difficult to understand how he could have represented the position of the United States in 1880 as "nothing more than the pronounced adherence to principles long since adopted," except upon the supposition that he had confounded its policy regarding interoceanic communication with its attitude respecting the extension of European dominion on this continent. But, in the light of our history regarding those two important subjects, such confusion was hardly excusable. Neither is it easy to understand what advantage could have been expected from the assertion that the present attitude of the United States was not a new development, but an adherence to an old policy.

It now remains to determine the validity of Mr. Blaine's claims respecting the benefits of an exclusively American control of the canal, and the danger of its neutralization through the joint guarantee of European powers. In the first place it is to be noted that the United States had recognized the necessity of neutralizing the isthmian transits and had taken measures to provide for it. She had agreed with Columbia to guarantee the neutrality of the isthmus. But manifestly neither the United States nor any other power could do that. The only way of accomplishing such a result was to secure the adherence of all the leading powers of the world to the principle of neutrality. Hence, the so-called guarantee of neutrality became effective just in proportion as those powers undertook to abstain from making the region in the vicinity of the transits the theatre of belligerent operations. This appears to have been clearly recognized by the parties to the treaty of 1850, for it was expressly stipulated that other powers should be invited to assume

the same obligations as the United States and Great Britain. Thus it appears that the policy of the United States as set forth in the Clayton-Bulwer treaty contemplated the ultimate neutralization of the interoceanic transits through a joint agreement of the nations of the world.* Therefore, anything that made for the union of the nations of the world in guaranteeing the neutrality of the isthmian transits was an advance toward the realization of the American policy. Hence, if the joint action of the European powers respecting the isthmian canal was but a step toward the uniting of all nations in the agreement of neutrality, it was in harmony with the policy of the United States and, therefore, afforded little ground for the objections raised by Mr. Blaine.

On the other hand, if an exclusively European arrangement was contemplated there is much to be said for Blaine's position. In the first place an European guarantee could not have established a perfect neutralization of the transit. To a greater or less degree, it would have been open to the same objections that would lie against full control by any one nation. Until all nations should unite in an agreement to regard the isthmus as neutral territory, there could be no absolute assurance that the canal would be free from interruptions and seizures for military purposes. Moreover, owing to the unsettled state of Spanish-America such an arrangement would almost inevitably result in the extension of European dominion to that region. But that would be contrary to the policy of the United States and a serious menace to her welfare. In view of these considerations, Mr. Blaine was certainly justified in protesting against an exclusively European guarantee of neutrality for the isthmian canal.

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* Haswell's Treaties and Conventions, p. 442.

Moreover, neutralization through that means must have been ineffectual and, therefore, unsatisfactory. On the contrary, if the powers of Europe contemplated an expansion of the neutrality agreement so as to include all the leading nations of the world, it may well be doubted whether the dangers which Mr. Blaine professed to see in the arrangement had a real existence. Certainly when once the neutrality of the isthmus was firmly established on that basis, it could not be easily overthrown. And, so far as the United States was concerned, the only real objection that could be urged against it was that the channel would be accessible to an enemy's ships in time of war. But an ample offset to that is found in the fact that the channel would always be open and accessible to the ships of the United States in war time.

Although Mr. Blaine's letter was received at the Foreign Office before the middle of July, no reply was made to it till the following November. However, when the answer did come, it was a brief and pointed one.* In effect, Lord Granville stated that the position of the two countries regarding the isthmian canal had been determined by the engagements of the Clayton-Bulwer treaty, and that "Her Majesty's Government relied with confidence upon the observation of all the obligations of that treaty."† The situation then was this: The United States, on the one hand, claimed the right of political control over the proposed transit, irrespective of treaty obligations to the contrary. Great Britain, on the other hand, fell back upon the convention of 1850 as determining the rights and duties of the two powers in the matter. Here, then, the two governments were at issue, and the discus-

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* For. Rel., 1881, p. 549. Sen. Ex. Doc. 194, 1st Sess. 47th Cong., p. 178.

† Ibid., p. 178. For. Rel., 1881, p. 549.

sion which followed will now claim attention for a brief period.

Whatever may have been Mr. Blaine's object in ignoring the Clayton-Bulwer treaty in his letter of June 24, he soon became convinced that his example would not be followed by the British Government. Having become satisfied that England would rest her right to a share in the control of the canal upon the treaty of 1850, Blaine determined to take the initiative in opening the discussion upon that question. Accordingly, some days before Lord Granville's reply to his circular letter, or on November 19, Blaine, in writing to Minister Lowell regarding the treaty, stated that it was made more than thirty years before under exceptional and extraordinary conditions, which had long since ceased to exist and could never be reproduced. Besides, the unprecedented development of the United States, especially on the Pacific Coast, had imposed new duties on the Government which could not be faithfully discharged without a material modification of the Clayton-Bulwer treaty.* At the same time, the interests of Great Britain in the matter were so inconsiderable in comparison with those of the United States, that there should be no difficulty in securing her assent to the desired changes.

In support of these views Blaine advanced a variety of arguments, the more important of which we will now consider. In the first place, he contended that the effect of the treaty, as it stood, was to concede to Great Britain the control of any canal that might be opened across the isthmus. Moreover, since it was the policy of the United States to keep her naval establishment within narrow limits, she must either possess the right of fortifying the

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*Ibid., p. 554. Sen. Ex. Doc. 194, 1st Sess. of 47th Cong., p. 179.

isthmian transit, or else allow it to pass under the control of Great Britain. As it was manifestly impossible for the United States to surrender all share in the management of a work so intimately connected with her interest and welfare, she must insist upon such a modification of the Clayton-Bulwer treaty as would permit her to acquire command of the isthmian routes. There were also other reasons why the treaty should not be continued in its present form. In reality it impeached the right of the United States to priority in purely American questions, and involved a misconception of the relative interests of the United States and Great Britain in those matters. While the interests of the former were vastly superior to those of the latter, the treaty recognized the right of Great Britain to an equal share with the United States in the control of the isthmian transits, and was, therefore, derogatory to the welfare of this country.

Furthermore, the only way to secure the permanent and effectual neutralization of the canal, was to place it under the supervision of the United States. She could always protect it against the distraction and possible destruction incident to war. Besides, she was much less likely to become involved in war than any other great power. On the other hand, if the neutralization of the canal was left to the nations of Europe, the treaty of neutrality would, in all probability, be annulled at the first sound of cannon in a general European war. The possession of the canal would then become an object of contest. Under those circumstances the protection of her own interests in the passage would compel the United States to take an active part in a destructive war from which she would otherwise have been exempt. Hence, the welfare of all concerned demanded that the isthmian canal should be placed under the control of the United

States. For that reason, the treaty should be so modified as to admit of such an arrangement. Finally, Great Britain and the United States must be released from the restrictions of that instrument, or permit some other great power as France or Germany to monopolize the Central American commerce.

The modifications which Mr. Blaine considered essential were as follows: (1) That every part of the treaty which operated to prevent the United States from gaining political control of the canal should be cancelled. (2) That the acquisition of naval and military stations by the United States suitable for the protection of the isthmian transits should not be regarded as a violation of the treaty stipulations. (3) That clause of the treaty which extended its principles to other than the Nicaragua routes should be held obsolete, and, finally, that the agreement respecting the neutral zones, at the extremities of the canal, should be regarded as a matter for international arrangement between the great powers.*

Such, in brief, were the objections urged against the treaty and the modifications desired. Only a cursory examination of them is necessary to show that the objections were due to the fact, that the convention of 1850 was an obstacle to the acquisition of an exclusively American control of the isthmian canals. The modifications proposed were designed to facilitate the acquisition of such control. And at the outset it may be readily admitted that if the disadvantages and dangers pointed out by Mr. Blaine had a real existence, the proposed changes in the treaty should have been made. But it may well be doubted whether that is the case. At all events, it is difficult to understand how the Clayton-

*This letter is found in Sen. Ex. Doc. 194, 1st Sess. of 47th Cong., pp. 179-184, For. Rel. for 1881, pp. 554-559.

Bulwer treaty hampered the Government in the discharge of its duties to the Pacific states of the Union. As already stated the Clayton-Bulwer treaty was negotiated for the purpose of facilitating the opening of a ship-canal across the Central American isthmus. At that time such a water-way was generally looked upon as essential to the maintenance of United States jurisdiction on the Pacific coast, and the proper development of that region.* In the thirty years that had elapsed since the conclusion of the treaty, populous and powerful states had grown up there which were bound to the other portions of the Union by ties of kindred and interest. Railroads and telegraph lines connected them with the Atlantic seaboard. They were also endowed with the same political system and influenced by aspirations similar to those of other sections of the country. Furthermore, the Pacific states had become sufficiently powerful to have defended themselves against any foreign power on earth. As these results had been attained despite the existence of the Clayton-Bulwer treaty, it is quite evident that the treaty could have offered no very serious obstacle to the faithful discharge of governmental duties. Moreover, the rapid progress of the Pacific states had made it much easier for the United States Government to fulfill its duties toward that region then than at any previous time. Neither is it easy to understand how that instrument surrendered the control of the isthmian canals to Great Britain. It not only expressly prohibited her from maintaining such control, but did not prevent the United States providing a naval establishment equal to or superior to that of Great Britain.

It may also be doubted whether the Clayton-Bulwer

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*Ante. p. 88.

treaty really impeached the right of the United States to priority in purely American questions. That instrument related to a class of questions which can hardly be regarded as exclusively American. At all events, some of the European powers are deeply interested in them and Mr. Blaine admitted in another part of his dispatch that some matters connected with the control of interoceanic communications did not properly belong to the United States.* Thus it appears that the objections urged against the continuance of the treaty by Mr. Blaine are destitute of all substantial foundation.

Hardly had Blaine's dispatch concerning the Clayton-Bulwer treaty been sent out, when the British reply to his circular letter of June 24 was received. As already pointed out, Lord Granville in this reply took the ground that the positions of the two governments with respect to the isthmian transits were determined by the treaty of 1850, and, by way of emphasis, stated that Her Majesty's Government relied with confidence upon the faithful execution of all the engagements of that instrument. This answer clearly implied that there was no doubt as to what those engagements were, or whether they were applicable to the case then under consideration. Naturally Mr. Blaine did not take that view and at once undertook to refute Granville's assumptions.†

In brief his argument was as follows. The Clayton-Bulwer treaty had always been distasteful to many Americans and the source of much dispute between the two governments. As Great Britain and the United States had never been able to agree concerning the exact

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*In the course of his remarks about the control of the canal he stated that the establishment of a neutral zone at the extremities of the channel was a matter to be determined by international agreement. But if the regions at the terminals of the canal were to be neutralized by international agreement, why not the whole passage?

† For. Rel. 1881, p. 563. Sen. Ex. Doc. 194, 1st Sess. of 47th Cong., p. 184.

meaning of its provisions, that instrument could not be relied upon to determine the status of the proposed transit. Yet it was undeniable that the treaty of 1850 had served a useful purpose in regulating the relations of both the contracting parties to Central America, and, therefore, it was desirable that the treaty should be retained with such modifications as would rid it of its objectionable features.* Moreover, the principles of the convention were not applicable to the Panama route. At most the convention merely provided that the two governments would enter into treaty stipulations for extending their protection to the transits through that region.

The British position and the arguments in support of it were set forth and elaborated by Lord Granville in two dispatches dated January 7 and 9, 1882. The attitude of the British Government may be stated as follows. A canal across the Central American isthmus concerns not only the United States and the American continent, but the whole civilized world. Consequently, no single nation should be permitted to acquire, or exercise exclusive control over it. On the contrary, the transit should be left open to the universal and unrestricted use of all nations. This is the view which found expression in the treaty of 1850, and the principles upon which that instrument was founded are intrinsically sound and applicable to the present condition of affairs. Therefore, effect should be given to that convention as a whole, and especially to that portion of it which provides for the accession of all nations to its stipulations. Finally, the British Government would not decline or oppose any discussion looking to the application of those principles through an international agreement.

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*Ibid., p. 194.

In defending this position, Granville emphasized the fact that apart from merely commercial considerations, other nations had a deep interest in the unrestricted use of any canal across the isthmus. Especially was this true of Great Britain whose possessions bordering on the Pacific were extensive, and rapidly growing in population and wealth. For that reason, Her Majesty's Government could not consent to see an interoceanic highway placed under the exclusive control of any single power. Neither had the growth of the Pacific states of the Union been unexpected; their development was the result of natural causes that were clearly understood by American statesmen when the treaty of 1850 was concluded. Hence, Mr. Blaine was wrong in stating that the rapid and unforeseen development of that section of the Union had vitiated the foundations of the Clayton-Bulwer treaty. Moreover, the realization of the policy marked out by Blaine would be a serious menace to the state or states, through which a canal might be constructed. If one nation was to erect fortifications commanding the route across the American isthmus, is must be expected that other nations would seek to counteract the influence of that power by the employment of like means. Such a course would tend to defeat the usefulness of the proposed water-way.

Furthermore, the disputes respecting the Clayton-Bulwer treaty did not arise from any difference of opinion regarding its principles. All through the period of controversy they were considered sound; and Americans of that time generally, admitted that if those principles were faithfully applied they would produce the beneficial results anticipated when the treaty was concluded. The one principle to which the Government and people of the United States had thus far uniformly held, was that no

nation should ever acquire exclusive control over the isthmian transits. Upon that point there had been no difference of opinion between the two governments. The disputes all related to the provision forbidding the occupation of or exercise of dominion in Central America. But those questions had long since been adjusted by conceding the demands of the United States, and that power had accepted the settlement as entirely satisfactory. In view of that fact, it was manifestly unjust for her to attack the treaty on the ground of its disputed character. Especially was that true when the lapse of time and changed conditions, had made it impossible for Great Britain to regain her former status in Central America should the treaty be abrogated. Consequently, she could not accede to the demands of the United States but must insist upon maintaining the treaty in its integrity.*

There is much to be said in favor of the British position. The United States could not assume exclusive control of the isthmian transit without exciting the suspicion and jealousy of other nations having interests in that quarter. This will become more apparent when it is recollected that the turbulent and unsettled character of the states in the vicinity of the transit would necessitate more or less intervention in the affairs of that region for the protection of the passage. But such intervention, on the part of any single power, could not long continue without the exercise of some jurisdiction, or, perhaps, the assumption of dominion there. That, in turn, must sooner or later lead to serious complications with other powers. It is also undeniable that, for the most part, American statesmen had clung to the principles of the Clayton-Bulwer treaty, and the Government had accepted

* The whole document is found in Sen. Ex. Doc, 194, 1st Sess. 47th Cong. pp. 191-203. See also Annual Cyclopedia, VI, pp. 721-722.

as satisfactory the settlement provided for by the British treaties of 1859 and 1860 with the Central American republics.* Although this is true, it does not follow that those treaties were carried out in such a manner as to give full and complete effect to the convention of 1850. In truth, the course pursued by Great Britain on the Mosquito Shore and in other parts of Central America was plainly contrary to the provisions of that instrument. Instead of the Indians of the Mosquito Coast governing themselves according to their customs and usages, it was notorious that they were ruled by a government that was British in its personel and methods of procedure.† Moreover, that government was dependent upon England for support, and frequently enlisted the co-operation of that power in the accomplishment of its objects. Thus, through her connection with the Mosquito Government, Great Britain not only ruled the Coast, but interfered in the affairs of the adjoining states. To what extent this was carried is shown by the fact that the question of Nicaraguan sovereignty in the Mosquito Reserve was submitted to the arbitration of a foreign power.‡ At the time Mr. Blaine wrote, this was a matter of recent occurrence. Thus it is evident that Granville claimed entirely too much credit for his government, on account of the sacrifices it had made for the sake of effecting a settlement acceptable to the United States.

The task of defending the American position and refuting the arguments of Granville now devolved upon Mr. Frelinghuysen, who succeeded Blaine as Secretary of State, in December, 1882. This change in the State Department marks a decided advance in the position of

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* Ante. p. 201.

† Wharton's Digest, III, p. 36. Sen. Ex. Doc. 20, 3rd Sess. 53rd Cong., pp. 127. 142, 154.

‡ For. Rel., 1888, p. 763 Wharton's Digest, III, p. 37.

the United States, regarding the control of the isthmian transits. Mr. Frelinghuysen at once took the ground that, while the commercial interests of the world demanded the opening of a waterway across the isthmus, the welfare of the United States required that any such channel should be placed under her control. That the United States was abundantly able to maintain a satisfactory protectorate of that kind, was proven by the experience of the past with the Panama Railroad. Besides, an European protectorate of the canal was unnecessary, and its establishment would be contrary to the Monroe Doctrine and, therefore, unacceptable to the United States.*

Against all these considerations the British Government had urged the stipulations of the Clayton-Bulwer treaty. But in reality that convention, when rightly understood, did not offer any substantial obstacle to American control. Its first and principle object was to provide for the speedy construction of a particular ship-canal between the two oceans, by way of the San Juan River and Lake Nicaragua. This is shown by the correspondence of the negotiators as well as the instrument itself. All the provisions of the first seven articles of the treaty referred to the particular canal under contemplation in 1850 and none other. But, owing to a variety of causes,—chief among which was the controversy regarding the British occupation of Central American territory,—that canal had never been constructed; and the company that held the concession for the construction of that work, had long since been superseded by others which had secured new concessions from Nicaragua. Therefore, the particular canal contemplated by the Clayton-Bulwer treaty and to which its provisions

*Sen. Ex. Doc. 78, 1st Sess, 47th Cong., pp. 2 and 3. For. Rel., 1882, pp. 272 273.

specifically referred, could never be constructed. Consequently, all the provisions of the treaty which related to that particular canal had lapsed by reason of the failure of the object to which they referred.* Among these lapsed stipulations was the one providing for the extension of an invitation to other powers to join the United States and Great Britain in protecting the canal. As this was the sole means provided by the treaty for the expansion of the compact of 1850, between the United States and Great Britain, into an international agreement of neutrality, the United States was released from all obligation to promote such an arrangement. Nor was this conclusion destroyed by the provisions contained in the eighth article of the Clayton-Bulwer treaty.

That article was the only portion of the treaty which related directly to the Panama route. It declared the purpose of the negotiators in forming the treaty to be the establishment of a general principle, not less than the accomplishment of a particular object. The general principle thus established was that the contracting parties should extend their protection to any other means of communication across the isthmus, and especially to those then under contemplation. But, according to Frelinghuysen, this general principle was nothing more than an agreement between the two parties to enter into treaty stipulations at some future time, for extending their protection to the particular canals or railroads then (1850) under contemplation. It did not refer to those that might be projected in the future.† But those particular schemes to which this principle referred had all failed and been superseded by more recent ones to which the agreement could have no application. Therefore,

* Ibid., p. 280.
† Ibid., p. 281. Sen. Ex. Doc. 78, 1st Sess. 47th Cong., pt. 3, p. 11.

the United States was under no obligation to enter into treaty stipulations with Great Britain for the protection of the Panama canal. Moreover, the conclusion of the treaty with Columbia in 1846, had given the United States some peculiar and exclusive privileges concerning the protection of any canal or railroad by the Panama route. For more than thirty years Great Britain had acquiesced in the exercise of these rights. The experience of that time had shown that an international agreement was unnecessary for the protection of the isthmian transits.* Therefore, the United States could not assent to such an arrangement.

Besides, the treaty was not only obsolete with respect to the transits but voidable as a whole. The contracting parties had agreed that neither one of them would ever occupy, colonize or fortify the Mosquito Coast or any part of Central America, nor exercise dominion within the same. Yet Great Britain had converted Belize from a mere settlement under Spanish-American sovereignty, into a colony under British dominion. Furthermore, the limits of this settlement had been greatly extended by the encroachment of British settlers upon the neighboring republics of Central America. All this had been done since the conclusion of the treaty, without the assent of the United States, and in plain violation of the treaty stipulations. Since England had violated the convention of 1850 and still continued to do so, that instrument was voidable at the pleasure of the United States.† Thus Frelinghuysen had not only reached the conclusion that the provisions of the Clayton-Bulwer treaty were obsolete as regards the transit question but that the instrument as a whole was voidable. This was a decided ad-

*For. Rel. for 1882, p. 281. Sen. Ex. Doc. 78, 1st Sess. 47th Cong., pt. 3, p. 11.
†Ibid., p. 6. For. Rel., 1882, p. 276.

vance upon the position taken by Mr. Blaine, viz., that owing to the great changes that had taken place since 1850, the provisions of the treaty were unjust in their operation, and contrary to the established policy of the United States, and for those reasons should be modified. Upon other points, as the relation of the Monroe Doctrine to the treaty and the danger of an European guarantee for the canal, the two Secretaries held similar views. Hence, the important part of Frelinghuysen's argument, at least for our present purpose, is that devoted to the Clayton-Bulwer treaty.

As already indicated, the real object of his argument on that point was to show that the treaty was no longer binding upon the United States. At the outset it may be admitted that if his premises were sound, and his statements correct, his argument was well-nigh conclusive. But it must not be forgotten that he was a zealous advocate eager to win his case, and that an impartial examination of the subject might lead to very different conclusions. For this reason it will be well to hear the other side before expressing an opinion concerning the soundness of his conclusions.

We shall not follow Lord Granville very far before learning that he is squarely at issue with Frelinghuysen. He not only denied all the principal allegations of his opponent, but presented some very strong arguments, drawn from the treaty itself or the acts of the United States Government, in support of his contention. It is to be noted, however, that his defense of England's course regarding Belize offers an exception to the last statement, which will be considered in due time.

Beginning with a reference to the contention of Frelinghuysen that the treaty was concluded for the express purpose of securing the construction of a particular canal

by the Nicaragua route, Granville argued that the language of the treaty would not warrant such a view of the case. In the first article of the treaty it was stipulated that neither the one nor the other of the contracting parties would ever obtain, or exercise any exclusive control over any canal that might be constructed by that route,—a provision that was clearly incompatible with Frelinghuysen's contention. He also pointed out that the language of the eighth article was inconsistent with the meaning which the American Secretary sought to attach to it. If it had been intended that its provisions were to be applied to those schemes alone which were under contemplation in 1850, the two governments would not have agreed to extend their protection "to any other practicable communication across the isthmus which connects North and South America and *especially* . . . . to those which are now contemplated by the way of Tehauntepec or Panama." This language shows that it was the purpose of the negotiators to establish the principle that the United States and Great Britain should extend their protection to all other communications across the isthmus besides those by way of the Nicaragua route. This conclusion was strengthened rather than weakened by the particular emphasis denoted by the word "especially" used to point out the transits then under contemplation by the routes mentioned. It is also significant that it was a "general principle" which was established by the eighth article and, therefore, could not have been restricted to the particular schemes under consideration at that time, but was to apply to all others generally.*

Naturally, Lord Granville denied that England had violated the Clayton-Bulwer treaty in respect to Belize or

* Sen. Ex. Doc. 26, 1st Sess. of 48th Cong., p. 3.

British Honduras. He declared that the region in question was not subject to the treaty. That territory had been specially excepted from its operation by the declarations of the negotiators. But unwilling to rely on that defense alone, he fell back upon the favorite British argument, that the sovereignty of Belize had been acquired by Great Britain through conquest more than half a century before the conclusion of the Clayton-Bulwer treaty. Therefore, the so-called conversion of the settlement into a colony was a mere change of names, and did not amount to a violation of the convention. Moreover, the United States Government had frequently recognized the existence of the colony, and had never before chosen to regard it as a violation of the treaty. For those reasons, Great Britain could neither admit that the treaty was obsolete or voidable. Finally, she still adhered to the principles of that instrument, and would rely upon its provisions to determine the positions of the two governments with respect to the proposed canal.*

Although this discussion was continued till late in the Autumn of 1883, nothing of importance was brought out in addition to what has been already mentioned. While a survey of the whole correspondence between Frelinghuysen and Granville impresses one with the skill and ability displayed by the former, it must be admitted that in most respects the argument of the latter is the more conclusive. Especially is that true with regard to the part refuting the contention that the treaty was made for the accomplishment of a particular object, and that the failure of that object had rendered the treaty obsolete. Although there are some things in the language of the treaty that would seem to give color to the American

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*Sen. Ex. Doc. 26, 1st Sess. of 48th Cong., pp. 3-8.

view, it must be conceded that there are others, as pointed out by Granville, that are wholly inconsistent with it. But since there is some apparent inconsistency in the phraseology of that instrument, recourse may be had to other considerations in determining its real meaning, and to none more properly than the motives which actuated the two governments in entering into treaty engagements. That the chief of these was to promote the construction and provide for the protection and unrestricted enjoyment of a canal across the isthmus is undeniable. But in view of the great importance which was attached to such a highway, it is impossible to believe that the United States and Great Britain staked all their interests upon the success of any particular project. It is probable that they used the word "canal" in a general sense, intending that it should apply to any possible channel across the isthmus. In the first place, the construction of such a canal was dependent upon a variety of contingencies that made its success extremely problematical. It was without precedent, and there was no positive assurance that it was practicable. There was no certainty that a private company could develope the necessary financial strength to carry out the enterprise. Besides, the undertaking was based upon a concession that was liable to be revoked at any time by the capricious government that granted it. That such considerations as these were influential with the parties to the treaty, is more than probable. At all events, the two governments made some provision against the failure of the canal from such causes. They agreed to extend their protection to different companies under certain circumstances and conditions, and, what is more, no limit was set to the time within which such protection would be accorded. In the second place, there was the positive declaration of the two parties to the treaty, that

it was not their desire to accomplish a particular object alone, but to establish the general principle that their protection should be extended to all other practicable communications across the isthmus. In view of these considerations, the conclusion is unavoidable that the real purpose of the treaty of 1850 was not the construction of a particular canal, but the establishment of the broad general principle that the United States and Great Britain would extend their protection and guarantee of neutrality to any such channel of communication that might be opened between the two oceans.

Much more cannot be said for his contention that the treaty was in conflict with the Monroe Doctrine. Of course, there is some difference of opinion on this point, since the term "Monroe Doctrine" is of an elastic nature and means much or little at different times, as the exigencies of party strife or international relations may require. But taking it in its original and more rational sense there is but little foundation for the charge that the Clayton-Bulwer treaty is out of harmony with that doctrine. The stipulations of the treaty which bind Great Britain to abstain from occupying, colonizing, or exercising dominion in any part of Central America would seem to come about as near to being in accord with the Monroe Doctrine as such an instrument well could. Indeed, it is hardly too much to say as Mr. Clayton did, that previous to 1850 nothing which the government had ever done, went so far toward carrying out the Monroe Doctrine as the conclusion of the Clayton-Bulwer treaty.*

Nor can it be successfully maintained that the stipulation of the treaty which binds the United States to abstain from occuping, or colonizing Central America or

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* Cong. Globe App., 2nd Sess. of 32nd Cong., p. 278.

exercising dominion therein, is contrary to the Monroe Doctrine. Nowhere in the official statement of that doctrine is there any intimation that its purpose was to reserve this continent for the United States to control. That idea is of later growth,—the offspring of "Manifest Destiny." Neither does there seem to be any good reason for holding that the provision of the treaty which secures to Great Britain a voice in the protection and control of the canal is in contravention of the Monroe Doctrine. Whatever share she may have in the control, of the transit must be exercised in conjunction with the United States, and, so long as the latter performs her part, Great Britain cannot acquire any greater relative influence on this continent than she already possesses. Furthermore, the interest which Great Britain has in an isthmian canal was not created or extended by the conclusion of the Clayton-Bulwer treaty. Such interest owes its existence to the extensive possessions of Great Britain on this continent and is inseperable from them. Therefore, if the Monroe Doctrine may be justly held to exclude Great Britain from all share in the control of an American waterway, simply because it is American without regard to the interest which she may have in it, there seems to be no reason why the same doctrine would not exclude her from all control over her American colonies. But the absurdity of such a proposition is too apparent to call for comment. It must be concluded, therefore, that the objections urged against the Clayton-Bulwer treaty by Mr. Frelinghuysen and others on the ground that it is in conflict with the Monroe Doctrine were wholly devoid of reasonable foundation.

The case of Belize, however, is more complicated and difficult. From a merely legal or technical standpoint, there is no doubt that Great Britain had violated the

treaty of 1850. However, it is to be noted that there was much in the course of the United States Government which indicated an acquiescence in the action of the Great Britain. In the first place, there were the declarations of the negotiators made at the exchange of ratifications. These clearly indicated a purpose to exempt the settlement of Belize from the operation of the treaty. Even though the declarations were void in point of law, as they undoubtedly were, still they were tacitly recognized by the United States Government, till 1880. In point of fairness, such action would estopp that power from repudiating them some thirty years after they were made. But that is not all. In the Spring of 1857, the Government at Washington, with the concurrence of the Senate, agreed to that provision of the Dallas-Clarendon treaty which clearly recognized the right of Great Britain to practically all she claimed as British Honduras.* Although that convention was never ratified, owing to a disagreement on another point, the fact remains that an agreement had been reached regarding British Honduras, that was in substantial accord with the British claims. But more conclusive still is the fact that when Great Britain effected an adjustment of the Central American questions, through the treaties of 1859 and 1860, she obtained from Guatemala an acknowledgement of her claims to British Honduras,† and President Buchanan solemnly announced that this arrangement was entirely satisfactory to the United States.‡ Furthermore, the United States made no protest against the conversion of the settlement into a colony at the time it occurred, nor for many years there-

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* British Blue Book, for 1860, on Cent. Am. Affairs, p. 28. Ante pp. 178-180.
† British Blue Book on Cent. Am. Affairs for 1860, p. 252.
‡ Annual Message, 1860.

after. Other instances of a similar character might be cited, but enough has been said to show that Frelinghuysen's argument was vitiated by the course his government had pursued during the past twenty years. A much stronger case could have been made in support of the charge that Great Britain had violated the treaty by her continued interference in the affairs of the Mosquito Coast, but that was ignored by the American Secretary of State.

Although Frelinghuysen did not succeed in proving that the Clayton-Bulwer treaty was voidable because of the continued exercise of British dominion in Belize, it does not follow that Lord Granville's arguments were all well founded. On the contrary, the position assumed by him, in common with many other English statesmen and writers, was clearly untenable. Granville laid much stress on the declaration of Bulwer as excluding British Honduras from the operation of the treaty. Undoubtedly that document would have had the effect claimed for it, had it been accepted in an unqualified and legal manner. But unfortunately for Granville's argument that was not done. As the declaration involved a modification or amendment of the treaty, it should have been submitted to the Senate. This was clearly understood by Bulwer who waived that requirement. Nor was that all; Mr. Clayton positively refused to accept Bulwer's declaration till the latter consented to receive a counter-declaration from him.* As already pointed out, this counter-declaration greatly modified the one presented by Bulwer, and there is good reason for holding that the latter was thereby limited to Belize proper,—that is the British settlement as defined by the treaty of 1786.†

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*Cong. Globe App. 1st Sess. of 33rd Cong., p. 91.

†Ante pp. 164-166.

Such being the case, those declarations afford no valid support for the confident and oft-repeated assertions of British writers, that all of British Honduras was excluded from the operation of the treaty, and that, in consequence of such exemption, the occupation and colonization of that region by Great Britain could not be regarded as a violation of the treaty.

But weak as this part of Granville's argument unquestionably was, that founded on the theory of conquest was even more so. We have already seen that it is more than questionable whether Great Britain ever really conquered that region. But granting that she did, it was soon restored to the Crown of Spain, and remained under Spanish dominion until the final overthrow of Spanish authority on the continent. It then passed under the jurisdiction of the states that arose from the ruins of the Spanish Empire in America, and there it remained till long after the conclusion of the Clayton-Bulwer treaty. That such was the case is abundantly proven by the acts of the British Government covering a period of nearly half a century.*

In the light of these facts it is evident that Granville's argument respecting Belize was devoid of substantial foundation. Indeed, if there was nothing more solid upon which to base the British claim to sovereignty over the territory, we should be obliged to concede that Frelinghuysen was right in contending that the Clayton-Bulwer treaty was voidable because of the continued occupation of Belize by Great Britain. The British title to that region rests on her long occupation of it, with the tacit consent of the United States and the Central American Republics. Undoubtedly, Great Britain, for a long

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*Ante pp. 13, 14.

time, acted in contravention of the treaty of 1850 with respect to Belize. But the United States during this period did not see fit to regard the treaty as voidable. Moreover, in 1860, the Government formally accepted as a satisfactory settlement of the Clayton-Bulwer controversy an arrangement which expressly confirmed England's title to British Honduras. From that time till 1882, no question as to the validity of England's title was raised by the United States. On the contrary, that Government did some things which expressly acknowledged the right of Great Britain to sovereignty in that quarter.* Consequently, the only justification for the charge that Great Britain was then violating the treaty in British Honduras, was the continued encroachment of British subjects on the territory of Guatemala. But there appears to be no valid reason for believing that this encroachment had been very extensive, or, that it had been sanctioned or connived at by the British Government.

The correspondence relative to the Clayton-Bulwer treaty came to an end in 1883. Its only important result was to reveal the positions of the two governments respecting the treaty and to confirm each in the belief that its views were correct. But the treaty itself was not lost to public view. In one way or another it has continued to attract more or less attention from that time to this.

For the purpose of giving effect to the new American policy, Mr. Frelinghuysen, in 1884, negotiated a new canal treaty with Nicaragua.† According to the terms of that instrument a canal was to be built by the United

*NOTE.—For instance in 1869 a postal treaty was concluded with Great Britain respecting British Honduras. See Sen. Ex. Doc. 26, Pt. 3, 1st Sess. of 48th Cong., p. 6.

†Colquhoun, The Gate to the Pacific, App. III.

States and jointly owned by her and Nicaragua.* That convention was submitted to the Senate in December 1884, but had not been ratified by that body when the Cleveland Administration came into power. Soon afterward the President withdrew the treaty and never submitted it again.† It is said that the failure of this convention to secure a ratification was due to the existence of the Clayton-Bulwer treaty.‡ However that may be, it is certain that the treaty of 1850 played an important part in defeating the Frelinghuysen convention.

In this brief account may be read the history of many recent schmes for the opening of a ship-canal across the isthmus. Every project for such a work, under the protection or patronage of the United States, has had to encounter the Clayton-Bulwer treaty as an obstacle. This fact accounts for much of the discussion that has taken place concerning the treaty, and explains the frequent attempts to secure the abrogation of that instrument. But thus far all such efforts have failed, and the debates on the treaty have added little or nothing to the arguments brought forth in the diplomatic discussion of 1881-1883.

As the public sentiment of the United States in favor of a canal under American control grew stronger, the opposition to the Clayton-Bulwer treaty became more pronounced. It manifested itself in a disposition to evade or ignore the provisions of that instrument. A good illustration of this tendency is afforded in the case of the Maritime Canal Company. That company was organized at New York in 1880,§ and reorganized in 1884. In April 1887, it succeeded in obtaining a con-

* Ibid., App. III.
† Snow's American Diplomacy, p. 344.
‡ Cong. Record, XXIV, p. 1522.
§ Snow's American Diplomacy, p. 346.

cession from Nicaragua for the construction of a ship-canal between the two oceans.* Two years later the company was incorporated by act of Congress† and at once began the work of constructing the canal.‡ The work, however, had not progressed very far before the funds began to fail, and it became apparent that the enterprise must be abandoned, unless more money could be obtained. The expedient of foreign loans was considered but objected to by those who feared foreign domination of the passage. This class now urged the Government to come to the relief of the company. After some agitation, the matter was finally taken up by the Senate on April 11, 1890. The Committee on Foreign Relations was directed to report what steps, in its opinion, should be taken to protect the interests of the United States.§ The result was a bill, reported Jan. 10, 1891, amending the charter of the canal company.‖ The most important feature of this bill was the provision for a United States guarantee of the company's bonds and an arrangement for securing the Government against loss. According to this arrangement, the United States was to have a controlling voice in the management of the waterway, and under certain contingencies she would become the virtual owner of the transit.¶

The consideration of this bill at once drew attention to the Clayton-Bulwer treaty. This had been expected by the Committee and, in order to anticipate objections on that score, it had prepared a report to accompany the bill. The Committee took the ground that the treaty of

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*Ibid., p. 346.
† Feb. 20, 1889. Cong. Record, XX, p. 2084.
‡ Annual Cyclopedia, XX, p. 553.
§ Sen. Rep. 1944, 2nd Sess. of 51st Cong., p. 1,
‖ Ibid., p. 18.
¶ Ibid., p. 19.

1850 was obsolete and, therefore, could not be an obstacle to the passage of the measure.* This led to a long and spirited debate, in the course of which all the old arguments against the treaty were repeated and little or nothing new added. During this discussion, which was continued at intervals during the next four years, various attempts were made to pass joint resolutions for the abrogation of the treaty, but none of them passed both Houses of Congress. At length, after the bill for amending the company's charter had been renewed and modified several times, it passed the Senate, on Jan. 25, 1895, by a decisive majority.†

Thus, after a four years' struggle, the Senate took an unequivocal stand in favor of United States control over the proposed ship-canal, notwithstanding the provisions of the treaty of 1850. In fact, it was charged by the opponents of the bill that it was a mere device for evading the provisions of the Clayton-Bulwer treaty.‡ However that may be, there is no doubt that the treaty was an important factor in retarding the passage of the bill. Nevertheless, the fact that it was finally passed showed a growing desire to be free from the restrictions imposed by the treaty.

This action of the Senate in regard to the bill did not escape the notice of the British Government. Even while the bill was still pending in the Senate, the subject was called up in Parliament. The Under Secretary of State for Foreign Affairs was asked to state what measures had been taken to preserve the Clayton-Bulwer treaty.§ Other questions followed, which implied that the Government

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* Ibid., p. 4.
† Cong. Record, XXVII, p. 1358.
‡ Cong. Record, XXVII, p. 775.
§ Hansard's Parliamentary Debates, Fourth Series, XXVII, pp. 15, 16.

was expected to remonstrate against the provisions of the Senate bill that were contrary to that convention. Substantially the same questions were again asked after the passage of the bill. In reply it was stated that Her Majesty's Government believed that such a canal as the one through Nicaragua should be under international control, and at the proper time the necessary steps would be taken to promote that view.* Moreover, there was no reason to suppose that the United States Government would fail to maintain its treaty engagements. Thus matters stood in 1895, and there appears to be no reason for believing that they have been materially altered since.

Such, in brief, is the story of the Clayton-Bulwer treaty since 1860, so far as it relates to the canal question.† It is now time to turn our attention to another, and not less interesting phase of its history. Although it was believed that the Mosquito question had been settled by the treaty of Managua, in 1860, events soon proved the falsity of that belief. The chief purpose of the treaty of 1860 was to settle the controversy which had arisen concerning the convention of 1850. Therefore, as long as that instrument remained in dispute, the Clayton-Bulwer treaty was more or less directly involved. As time passed, the differences between Great Britain and Nicaragua became more irritating, and by 1879 both parties recognized the necessity for some sort of an adjustment. Accordingly, the disputed questions were submitted to the arbitration of the Austrian Emperor.‡ His decision was

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*Ibid., XXX, p. 746.

†NOTE—In December, 1898, a bill was introduced in the United States Senate, requesting the President to negotiate with the Government of Great Britain for the abrogation or modification of the Clayton-Bulwer treaty to such an extent as was necessary in order that the United States might acquire exclusive control of a ship-canal across the isthmus by the Nicaragua route. It was debated and passed the Senate by a decisive majority on the 21st of the following month. See Cong. Record, Vol. 32, pp. 909, 911.

‡Wharton's Digest of International Law, III, p. 34.

much more favorable to Great Britain than to Nicaragua.* The Government of the Indian Reservation, being in the hands of the English, was not slow to profit by the advantages which the award afforded.† Irritated by this condition of affairs and eager to get control of the revenues which the thriving trade of the Coast yielded, Nicaragua was anxious to secure the re-incorporation of the reservation. But all her efforts in that direction were opposed by the local government. Disputes followed, in which England became involved on account of her relation to the Mosquito Government.

A notable instance of this kind occurred in 1888. Actuated by her desire to get control of the reservation, Nicaragua had established a postoffice at Bluefields and was about to erect some forts and arsenals there, when the British Minister in Central America entered a vigorous protest against such proceedings.‡ This action on the part of the British Minister attracted the attention of the United States Goverment, and called forth a spirited remonstrance from Secretary of State Bayard. In his letter, dated Nov. 23, 1888, to the American Minister at London, he declared that there was nothing in the treaty of Managua incompatible with the right of Nicaragua to establish post-offices or military stations within the reservation. The stipulations of that instrument relative to the Indians were not made for the benefit of Great Britain nor enforcible by her.§ By the terms of that treaty the Indians were at liberty to accept or reject the privileges it conferred. They, however, accepted them and thus placed themselves under the sovereign power of

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* Ibid., III, pp. 34, 35.

† Ibid., III, p. 36. Sen. Ex. Doc. 20, 3rd Sess. of 53rd Cong., pp. 127, 142, 154. For. Rel., 1893, pp. 165-167.

‡ For. Rel., 1888, p. 768.

§ Ibid., pp. 764-766.

Nicaragua. Consequently, Great Britain had no right to interfere in the affairs of the reservation. The assertion of the right on the part of Great Britain to interfere in behalf of the Mosquito Indians was a re-assertion of the British protectorate in another form.* But the maintenance of such a protectorate was a "direct violation of the Clayton-Bulwer treaty whose binding force Great Britain has up to the present moment emphatically asserted." To this Lord Salisbury replied, on March 7, 1889, denying that Great Britain claimed a protectorate over the Mosquitos, but at the same time asserting her right to interfere in the dispute between Nicaragua and the Mosquitos "within the limits of the report annexed to the Emperor's award."† Furthermore, Great Britain would gladly be relieved of her responsibility for the Mosquitos, if they could become incorporated into Nicaragua as provided for by the treaty of Managua.‡ With this reply the matter was dropped for several years, although British influence still remained potent within the reservation.

This fact was brought home to the United States Government again in 1892. The occasion for it was the attempt on the part of the Mosquito Government to levy duties at the port of Bluefields, in excess of those fixed by the treaty between Nicaragua and the United States. The United States Government remonstrated against this as a violation of its treaty rights.§ Nicaragua pleaded the continuance of the British protectorate as her excuse, alledging that it was impossible for her to exercise sovereign rights in that region.‖ She also declared her purpose to secure the relinquishment of the British

* Ibid., pp. 766, 767.
† For. Rel., 1889, p. 469.
‡ Ibid., p. 469.
§ For. Rel., 1893, p. 163.
‖ Ibid., pp. 164-165.

protectorate, and requested the co-operation of the United States.*

The Government of Nicaragua at once undertook to induce Great Britain to relinquish her protectorate. This led to considerable discussion between the two Governments. One thing alone in this correspondence seems to call for special mention. The British Minister declared that Great Britain was not required to refrain from interfering in the affairs of the Mosquito Coast by the terms of the treaty of 1850.† The continued intervention of Great Britain in the affairs of the Mosquito Indians, together with this bold assertion of her right so to do, could not be allowed to pass unnoticed by the Government at Washington. Secretary Foster in a letter to the American Minister at London, called attention to the inconsistency of the British Government in denying all desire for a protectorate of the Mosquitos while it continued to interfere in their affairs. Such interference he argued, tended to make the Mosquito Government independent of Nicaragua. Under the treaty of 1860 the Indians were given the right to govern themselves, but that privilege was exercisable only so far as it did not infringe upon the sovereign rights of Nicaragua. Hence, the Mosquito Government was in no sense one with which foreign nations could deal; still less could their rights in that region be made dependent on the intervention of Great Britain with Nicaragua. Moreover, the specified rights conferred by the treaty of Managua were to be enjoyed by a particular tribe of Indians. Those rights inured to the tribe and not to the territory which might be assigned to it. Therefore, neither the Indians nor the foreigners who resided among them were

*Ibid., p. 170.
†Ibid., pp. 173, 174.

exempt from Nicaraguan control. Yet the right of the Indians to govern themselves had been perverted into the erection of an alien government at Bluefields, self-administered and wholly withdrawn from the tribal regimen.* Through this settlement Great Britain exercised much influence on the Coast, even going so far as to deny Nicaragua the right to regulate postal communication.† In conclusion, Mr. Foster declared that the United States could not look with favor upon any attempt of Great Britain, no matter how indirect, to render illusory the sovereignty of Nicaragua over the Indians and the territory they occupied.

No formal reply was made to this note, but the affairs of the Mosquitos soon became so critical as to demand a final settlement. In November 1893, a Nicaraguan Commissioner was sent into the reservation in order to maintain the sovereignty of the Republic there and to secure, if possible, the re-incorporation of the Indian territory.‡ All his efforts in that direction were unavailing until he found a pretext for the use of force. In December 1893, war broke out between Nicaragua and Honduras and, under the pretense that the Mosquito Government was disloyal to the Republic and the reservation liable to invasion, troops were sent into the Reserve. On February 12, 1894, Bluefields was occupied, the Mosquito Government overthrown and martial law declared.§ Against these proceedings, Clarence, the Mosquito chief, protested. His example was soon followed by the British consul who went so far as to deny the right of Nicaragua to exercise any jurisdiction whatever in the Indian reservation.‖

* Ibid., p. 317.
† Ibid., p. 317.
‡ For. Rel., App. I, 1894, p. 287. Sen. Ex. Doc. 20, 3rd Sess. 53rd Cong., p. 84.
§ Ibid., pp. 25, 85.
‖ Ibid., p. 17. For. Rel., 1894, App. I, p. 238.

Meanwhile, both the United States and Great Britain had ordered ships of war to the scene of disturbance. But owing to the loss of the Kearsarge, while *en route* to Bluefields, the United States was without a naval representative there for some time after the British force had reached the place. The British, immediately upon their arrival, forced the Commissioner to restore the Mosquito flag, remove the Nicaraguan troops and revoke the decree of martial law.* British marines were landed a few miles from the town. The Commissioner was allowed to remain in control of the government on condition that he should form a council to assist him in the management of affairs. Such a council was formed but it did not last long.† That left the government entirely in the Commissioner's hands, to the great dissatisfaction of the inhabitants of the place. The feeling steadily grew in intensity till it resulted in open riot and bloodshed.‡ At this crisis the British marines were brought to the town and order restored. After that a provisional government was formed through the joint efforts of the British and Nicaraguan officials. This government was to have control pending the final settlement of the questions growing out of the treaty of 1860. From the first the people were displeased with this arrangement. Their displeasure soon led to the calling of a mass-meeting which passed resolutions condemning the course of the Nicaraguans and inviting Chief Clarence to resume control of the government.§ Alarmed at this movement, the Nicaraguan Government hastened to establish a military force a short distance from the town.‖

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*Ibid., p. 264. Sen. Ex. Doc. 20, 2rd Sess. of 53rd Cong., p. 40.
†Ibid., pp. 2, 136, 138.
‡Ibid., p. 54.
§Ibid., p. 64.
‖Ibid., p. 58.

These proceedings had been observed by the United States Government as carefully as circumstances would permit. That Government not only refused to sanction the establishment of a provisional government, under the authority of Great Britain and Nicaragua, but also warned its citizens in that quarter to hold aloof from any arrangement derogatory to Nicaraguan sovereignty in the Mosquito territory.* Explanations regarding the landing of British troops were demanded. The British Government in reply stated that its only purpose was to protect the lives and property of foreign inhabitants there, and disavowed all intention of exercising a protectorate over Nicaraguan territory. Moreover, England wished to act in concert with the United States respecting Central American affairs and "to continue the treaty of 1850 in unbroken force and effect.†

Although the affairs at Bluefields continued in a very unsettled state, nothing of importance occurred till July 5, when a misunderstanding arose between some policemen and the government officials. A riot followed and order was not restored till the troops were called to the assistance of the Government.‡ At night-fall the populace surrounded the government house, where the officials and soldiers were lodged. The house was closely beseiged till 7th when the Nicaraguan commander consented to turn the government over to the Mosquitos and withdraw the troops.§ Meanwhile, Clarence had, on the 6th announced the resumption of his rightful authority. On the same day the United States marines were landed for the protection of the foreign inhabitants. At night a party of Mosquito settlers surprised the Nicaraguan

* Ibid., p. 69. For. Rel. App. 1894, p. 272.
† Ibid., p. 290. Sen. Ex. Doc. 20, 3rd Sess. of 53rd Cong., p. 91.
‡ For. Rel., 1894, p. 305.
§ Sen. Ex. Doc. 20, 3rd Sess. of 53rd Cong., p. 141.

soldiers at the fort outside of the town, killed two of their number and captured a quantity of arms and amunition.*

It is probable that the Mosquitos expected the support of Great Britain in maintaining their authority, when once they had regained it, but the desired assistance was not given.† Left to their own resources, they were soon compelled to yield to the Nicaraguan authorities. By the middle of August, Nicaragua was master of the situation and at once took steps to incorporate the reservation. This was finally accomplished by the action of the Mosquito convention on Oct. 20, 1894.‡ The reservation was made a department of the Republic and Great Britain formally acknowledged the sovereignty of Nicaragua throughout the region.§ Thus the Mosquito question was finally set at rest, and the engagements of the Clayton-Bulwer treaty fulfilled according to the American interpretation of it.

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†Ibid., p. 118. For. Rel. 1894, p. 303.
‡Ibid., p. 361. Sen. Ex. Doc. 20, 3rd Sess. of 53rd Cong., p. 118.
§ For. Rel., 1894, pp. 361-362.
‖ Sen. Ex. Doc. 20, 3rd Sess. of 53rd Cong., p. 204.

CONCLUSION.

CHAPTER VII.

In the course of the preceding pages we have seen that the Clayton-Bulwer treaty has been the subject of much bitter denunciation. Some have even asserted that there was, in 1850, no need for such a treaty with Great Britain. Others have charged that the convention was inadequate, ambiguous and inconsistent in its provisions, —a departure from the time-honored policy of the United States, and a gross betrayal of her interests. Our survey of its history also shows that the convention has been the subject of several long and bitter controversies with Great Britain, which are likely to be renewed again in the near future. Besides, it is still an open question whether England's long continued violation of the treaty has not released the United States from its obligations. It is also a question whether that instrument has ever been of any real service to the United States.

A critical examination of these matters involves first a consideration of the necessity for a treaty arrangement with Great Britain in 1850. A glance at the circumstances of the time will afford the most satisfactory evidence upon that point. The United States had but recently come into possession of extensive territorial dominions on the Pacific coast. It will be remembered that these territories had been acquired in the face of the most strenuous opposition from Great Britain, and under circumstances that aroused the most intense jealousy in both countries. Once in possession of the coveted foot-

hold, the United States was determined to make it secure and extend her commercial operations in the Pacific. Yet, in the opinion of the American people, neither of these objects could be accomplished without a ship-canal across the isthmus that should always be open to the unrestricted use of the United States naval and merchant marine. To them the free enjoyment of such a waterway seemed absolutely essential to the commercial development and political integrity of the Union. It was regarded as a matter of right. National honor, therefore, not less than national interest, required that no power should be allowed to interpose any obstacle to the speedy opening and unrestricted use of such a passage. This feeling was greatly intensified by the prevailing opinion of the time that Great Britain—the great commercial and maritime rival of the United States—was seeking to thwart the wishes of the American people in regard to a canal.

On the other hand, Great Britain feared that the United States would endeavor to obtain exclusive control over any canal that might be opened across the isthmus. Such a condition would, necessarily, be intolerable to her. In the first place, owing to the anomalous condition of affairs in Central America, it would be practically impossible for the United States to control a canal without extending her dominion over the territory in its vicinity. But to bring that region under the control of the United States would check the growth of British influence in that quarter, and lead to a great extension of African slavery —an institution to which Great Britain was bitterly opposed. But unquestionably the most potent influence in arousing the opposition of England was the fear that an exclusively American control of the canal would result in a ruinous discrimination against British commerce.

Hence, for the protection of her own interests and the restriction of slavery, Great Britain was anxious to defeat the supposed designs of the United States regarding the isthmian transit. Accordingly, as soon as it became apparent that the Americans would attempt to open an isthmian waterway, the British Government took measures to preserve its influence and protect its interests in Central America. British aggressions in that region were pressed with renewed vigor; the port of San Juan was forcibly seized, and the protectorate of the Mosquitos proclaimed. Following close upon this came the announcement that Great Britain would maintain the territorial rights of the Mosquito King.* In that way England made herself master of every feasible route for an interoceanic canal across the isthmus. Moreover, this position was attained in utter disregard of the rights of Nicaragua and other Central American states.

Hardly had England secured control of that region, when the United States Charge d' Affaires in Central America took a step which greatly complicated matters. Acting upon his own responsibility, he concluded a treaty with Nicaragua which secured to the United States the exclusive right to open a ship canal through her territories.† As this grant covered the whole distance between the two seas, it extended through the territory claimed by Great Britain for the Mosquitos. Thus the interests of the United States came into direct conflict with those of Great Britain regarding matters which each nation considered essential to its welfare. There were, also, other things which tended powerfully toward an estrangement. A large portion of the American people were so thoroughly dominated by the "Monroe Doctrine" and the

*Ante p. 42. Mosq. Corr., p. 1.
†Ante p. 59.

spirit of "Manifest Destiny," that they felt called upon to exclude European nations from all share in the affairs of this continent. They wished to see the whole of it brought under the dominion of the United States, regardless of the rights or wishes of other powers. On the other hand, Great Britain looked upon the "Monroe Doctrine" as nothing more than the "dictum" of its author* and held the sentiment of "Manifest Destiny" in utter contempt.

With these facts before us we are ready to say with a distinguished American historian that "it was absolutely necessary that there should be an understanding between the United States and Great Britain" respecting Central America and the ship-canal.† The real force of this will be more apparent when it is recollected that Great Britain had not acquired much respect for the military power and resources of the United States and the latter, proud of the strength she had developed, and elated over her success in the recent contest with Mexico, was in no mood to brook any interference in her affairs from England. Obviously, the danger of a collision between the two nations was imminent. In fact, a war between them was inevitable unless some arrangement could be effected whereby their conflicting interests, whether real or imaginary, could be reconciled. But even this does not give an adequate account of the situation. The domestic affairs of the United States were in a most critical condition. Partisan strife was so bitter at that time, that it was feared an effort would be made, to discredit the party in power, by forcing the Government into a fight with England, or a pusillanimous sacrifice of important inter-

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*House Ex. Doc. 1, 1st Sess. 34th Cong., p. 83. British Blue Book, for 1856, on Cent. Amer. Affairs, p. 268.

†J. F. Rhodes, Hist. of U. S. I., p. 200.

ests.* Moreover, sectionalism had already developed to such an extent that the mutterings of secession were plainly audible, and the country was apparently on the verge of civil war. Clearly the need of a vigorous foreign policy was great, but the critical condition of our domestic affairs made it difficult if not impossible to maintain one. In a word, the United States was so distracted by partisan strife and sectional hatred that the stability of the Union was threatened. Yet she was arrogant and aggressive in her dealings with foreign powers. The persistent adherence to this policy had already earned the distrust and ill-favor of nearly all the nations of Europe.† Moreover, British suspicions had been greatly intensified by the bitter rivalry of the past few years, between the United States and England for the acquisition of Oregon and California. The success of the United States in that contest did not allay the bitterness toward Great Britain, but created an urgent demand for a ship-canal across the isthmus.‡ But British pretensions presented serious obstacles to the realization of this wish. Furthermore, to the Americans of that generation it appeared as though the establishment of these claims had been prompted by a contempt for the military power of the United States and a wish to check her legitimate development. Besides, the people of the United States were quick to resent any interference with their interests or a slur upon their military prestige. In the light of these facts, the wisdom of concluding a treaty with Great Britain respecting Central America and the canal question—then the most burning of all—can hardly be doubted.

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* Ante, p. 99. British Blue Book, for 1856, on Cent. Am. Affairs, p. 2.

† Schurz, Life of Henry Clay, II, p. 290. Periodicals of the time.

‡ British Blue Book on Cent. Am. Affairs, for 1856, p. 36. Sen. Ex. Doc. 27, 2nd Sess., 32nd Cong., p. 32.

But granting the necessity for a treaty at that time, the question at once arises whether the Clayton-Bulwer convention was a good one. Did it make ample provision for the object in view without being inconsistent or ambiguous? Before this question can be answered in a satisfactory manner, we must first determine what was the real purpose of the Clayton-Bulwer treaty.

Evidence on this point might be drawn from a variety of sources. But next to the instrument itself, the most conclusive proof is to be found in the circumstances which led to the conclusion of the treaty. It will be remembered that for many years prior to the Mexican War, the United States had held aloof from all interference in the affairs of Central America. So rigid had been her adherence to this course that she was apparently indifferent to the fate of that region. But the acquisition of California together with the almost simultaneous discovery of gold there produced a sudden and radical change in the attitude of the United States toward the states of Central America. The reason for this is plain. It was at once perceived that the maintenance of national authority on the Pacific coast and the proper development of its resources would necessitate a more direct communication with it. Furthermore, circumstances seemed to point to a ship-canal across the isthmus as the most practicable means for a transit.* Owing to that fact Central America at once began to attract considerable attention. Projects for a canal through it were brought forward. An association was formed for the construction of such a work. Nicaragua granted the right of way, and the Government of the United States was urged to countenance the undertaking.† As soon as

* Brownson's Quart., Rev., XIII, p. 110.
† Ante p. 63.

this became known the British Government gave notice to the association that Nicaragua had no right to a large part of the territory covered by the grant.* While these events were taking place the Government at Washington investigated the British claims in behalf of the Mosquitos. This was done for the double purpose of ascertaining their validity and the object for which they were maintained. Did Great Britain claim the right to obstruct the San Juan River, or "to keep forts or obstructions of any kind on its banks?"—was the question which the British Government was called upon to answer.† In the subsequent correspondence between the two governments the subject of an unobstructed waterway across the isthmus early became the principal topic of discussion. The British Minister at Washington wrote his government that the proposed ship-canal had become almost a necessity to the United States, and because of that she had become interested in the Mosquito controversy.‡ The American Minister at London soon came to take substantially the same view of the matter. He, therefore, directed his effort to obtaining an early understanding with Great Britain respecting the construction and neutralization of the proposed canal.§ From that time till some years after the conclusion of the Clayton-Bulwer treaty, little if any attention was given to the Mosquito controversy.

From the foregoing two things are clear. In the first place, the United States Government gave itself no concern about the British encroachments in Central America till the American people became directly interested in an

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*Ante. p. 71.
†Ante p. 91. House Ex. Doc. 75, 1st Sess. 31st Cong., p. 231.
‡British Blue Book, for 1856, on Cent. Am. Affairs, p. 36.
§Ante pp. 106, 107.

isthmian canal. In the second place, when the United States did take part in the Central American controversy it was for the purpose of promoting the construction of a canal between the two oceans that should be open to the free enjoyment of all nations. This is also shown by the terms and language of the treaty itself. The preamble of that instrument declares, in so many words, that it was made for the purpose of setting forth and fixing the views of the two governments regarding a ship-canal across the isthmus by the Nicaragua route. Moreover, the first seven articles are given up to the various details for the construction and neutralization of such a work. Finally, the eighth and last article declares that the treaty was made, not for the accomplishment of a particular object, but for the establishment of the general principle that the two governments would extend their protection to any other communication across the isthmus. It is to be noted that Clayton, himself, asserted that the British title to Belize had been left undisturbed by the treaty, since the territory was more than five hundred miles distant from the canal;* thus implying that it could not become an obstacle to the free enjoyment of that work. It should be recollected also in this connection that the belief was then quite common in this country that an unobstructed waterway across the isthmus of Central America was essential to the maintenance of United States dominion on the Pacific coast. In the light of these facts the conclusion is unavoidable that the real purpose of the Clayton-Bulwer treaty was to provide for the opening of an unobstructed channel across Central America. All other objects were subordinate to that, and provided for simply to make sure that the primary purpose of that instrument should never be thwarted.

* House Ex. Doc. 75, 1st Sess. 31st Cong., p. 7.

Granting that a treaty was necessary, and that the chief purpose of the one concluded was to provide for an unobstructed waterway, was that instrument well adapted to the purpose in view? Were its provisions adequate to the accomplishment of the object for which it was made, and yet free from ambiguity and inconsistency? Finally, was the treaty in derogation of the United States policy or detrimental to American interests?

In considering these questions, it is necessary to bear in mind the difficulties and limitations under which the treaty was concluded. In other words, the treaty is to be judged from the standpoint of the practical statesman, and not from that of the mere theorist. For that reason it will be well to recall some of the more salient features of the period in which the treaty was concluded. As already indicated, the United States and Great Britain were rivals for commercial supremacy. They were bitterly jealous of each other regarding territorial dominion on this continent. At that particular time their attention centered on the American isthmus, where each was endeavoring to protect its interests against the designs—real or fancied—of the other. England was in control of nearly the whole eastern coast and in actual armed possession of the port and river San Juan.* On the other hand, the United States had obtained from Nicaragua the exclusive right to construct a canal through the region held by Great Britain.† Owing to that fact, the United States espoused the cause of Nicaragua in her dispute with England. Encouraged by the support of her powerful neighbor, Nicaragua refused to concede anything to the British demands for the sake of an adjustment. Neither was Great Britain willing to relinquish her claims

*Ante, p. 47.
†Ante, p. 59.

to San Juan. Obviously, there was no prospect of a settlement of that matter, so long as the United States was intent upon securing a ship-canal through that region. The people of this country, however, were determined to have the canal at any cost. To make matters worse, the country was so distracted with the slavery agitation that disunion and civil war were impending.

Evidently, the position of the government was one of extreme difficulty. Foreign relations were complicated and called for immediate attention. Domestic affairs were even more critical and tended to aggravate the unfortunate condition of our relations with other powers. This was more especially true in the case of Great Britain, since she was generally regarded as an unscrupulous rival for commercial and political supremacy on this continent, and she, in turn, looked upon the United States in much the same light.* Obviously, the possibilities of effecting an arrangement with her respecting a ship-canal through Central America were confined within very narrow limits.

Nevertheless, there were some favoring elements in the case. As already indicated, the United States was chiefly interested in the Central American question because of its relation to the subject of a free passage across the isthmus. Moreover, the Administration was decidedly opposed to the broad construction of the Monroe Doctrine that had obtained for the past few years. Hence, the Government had no particular reason for interfering with the British pretensions in Central America beyond what was necessary to secure the construction and free enjoyment of a highway between the two seas. Had it been otherwise, it is more than doubtful whether any amicable settlement of the matter could have been effected.†

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* Hansard's Parl. Debates, Vol. 98, pp. 1025, 1026 and 1039. Vol. 99, pp. 37, 600, 601. Whig Rev., XII, pp. 345, 346. Cong. Globe, App., XXVII, p. 286.

† Cong. Globe, App. XXVII, p. 286.

But under the circumstances, the United States Government found no difficulty in disclaiming all intention of obtaining a monopoly of the proposed canal or renouncing all right to colonize or annex any part of Central America. Actuated by quite different motives, Great Britain disavoved all purpose of occupying or colonizing any part of that country.* This stage reached, the chief difficulty in providing for a canal on a satisfactory basis was the bitter controversy between Great Britain and Nicaragua regarding San Juan and the Mosquito Coast. Owing to the obstinacy of the disputants this was a formidable obstacle. Neither party would concede anything to the demands of the other so long as the canal question remained unsettled. On the other hand, no satisfactory settlement regarding the canal could be effected so long as England or any other great power controlled any part of the territory through which the channel would pass. The problem then was to provide for the construction and unrestricted enjoyment of the proposed canal, without interrupting the peaceful relations of the United States and Great Britain, and without compelling the latter to abandon the Mosquitos to the vengence of the Central Americans.

The attempt at solution resulted in the conclusion of the Clayton-Bulwer treaty. In general it may be said that this instrument provided that the two powers should abstain from obtaining any exclusive control over the canal for themselves; protect any authorized company in constructing the work; defend the passage against seizure; guarantee its neutrality, and invite other nations to join in that guarantee. Finally, the treaty stipulated that the United States and Great Britain would extend their protection to any other communication across the

*Ante p. 107.

isthmus, whether by canal or railroad. These were the essential provisions of the treaty. The others were designed to supplement these, or insure their effective operation. By far the most important among the supplementary or subordinate provisions were those prohibiting the acquisition or exercise of dominion within Central America, or the use of existing or future protectorates or alliances by either power to secure any exclusive privilege in the transit.

A glance at the more important parts of the treaty shows that ample provision had been made for the protection and free-enjoyment of the canal. Surely when Great Britain and the United States agreed to refrain from all exclusive control of the canal there was, in 1850, little danger that it would be dominated by any great power. But in addition, the contracting parties agreed to guarantee the neutrality of the waterway and protect it against interruption or seizure. With the two greatest maritime nations of the world united for the defense and freedom of the canal, there was little probability that the transit would ever be monopolized or seriously interrupted by any other power or combination of powers. However, one step more was essential to the complete and unqualified neutrality of the passage. All other important nations must lend their support to the principle of neutrality. Accordingly, the contracting parties undertook to invite all other powers with whom they were on friendly terms to join in the agreement for the neutralization and protection of the proposed waterway. But this arrangement only applied to one route, and, therefore, did not insure the freedom or neutrality of a canal or railroad by any other. Hence, it was stipulated that the two parties should extend their protection to any other transit across the isthmus. Thus the freedom and

protection of any isthmian transit was amply provided for. Moreover, these provisions were clear, unequivocal and probably as well adapted to the purpose for which the treaty was concluded as any that could have been devised.

Unfortunately, it is impossible to make an unqualified application of these remarks to all the provisions of that instrument. Apparently some of the subordinate ones were not entirely free from ambiguity and inconsistency. The more important of these had to do with the relations which Great Britain and the United States were to sustain to Central America. As already indicated, a variety of causes had operated to bring about an anomalous condition of affairs in that region.* In the very nature of the case it was impossible to determine the relative strength of the different forces which had conspired to produce the existing conditions. For that reason it was beyond the power of man to formulate provisions that should be free from apparent ambiguity. Yet it is certain that this feature of the treaty has been greatly exaggerated. As a matter of fact there is very little difficulty in understanding these provisions when they are examined in the light of the circumstances under which the treaty was made. It is only when the treaty is taken out of its historic setting that the element of uncertainty stands out with any degree of prominence. Even then it is confined to the apparent discrepancy between the clause prohibiting the occupation or exercise of dominion in Central America, and that which recognizes the right of the contracting parties to maintain or form alliances with, or protectorates over the states of that country. In truth, there is

* Ante p. 33, et seq.

no real conflict between these two provisions. The contracting powers had agreed to refrain from all exclusive control over the canal. But as it has clearly perceived that this provision could never be effectually carried out so long as either power was allowed to occupy adjacent territory or exercise dominion therein. Hence, the occupation or exercise of dominion in that region was forbidden. But while the United States and Great Britain were willing to enter into such an agreement, they were not ready to bind themselves never to form any alliance with the Central American states or even forego the right of establishing protectorates over them. Moreover, Great Britain still maintained a protectorate over the Mosquito Shore, from which she could not readily withdraw at the time. Yet under the guise of that protectorate she was occupying and exercising more or less complete dominion over a considerable portion of Central America.* With such an example before them, the contracting parties perceived the necessity of providing against the employment of an alliance or protectorate for the purpose of occupation or dominion. Unless some provision of that kind were made, it would be possible for either one or both of them to do in the name of an ally or ward, what they were bound not to do in their own. Hence it was further stipulated that neither the United States nor Great Britain would ever make use of any alliance, influence or protectorate with or over any Central American state or people for the acquisition of any peculiar or exclusive privilege in the proposed canal.†

However strange and inconsistent this arrangement may appear at first sight, it is easily explained. Although Great Britain still maintained the Mosquito protectorate

† Ante p. 47.
* Cong. Globe, XXIX, pp. 96, 97.

and refused to abandon it, she nevertheless signified her willingness to restrict it, so that it would not be an obstacle to the projected communication or a menace to its freedom.* This, as we have already seen, was all the United States demanded. Therefore, the maintenance of alliances and protectorates was permitted under the restrictions mentioned.† True, the absolute prohibition of all such relations between either one of the contracting parties and the states and tribes of Central America would have been preferable. In that case all ground for misunderstanding would have been avoided at the outset. But, under the circumstances, such a prohibition was simply an impossibility. All that could be done was to restrain the privileges of alliances and protectorates within the narrowest practicable limits. That this was fairly well done by the restrictive provisions is unquestionable. In view of these considerations, it must be admitted that the oft-repeated charge that the treaty was ambiguous and inconsistent rests on a very narrow foundation. Thus it appears that the object of the convention was a commendable one and its provisions were clear and well adapted to the purpose in view. Hence, although absolute freedom from defects cannot be claimed for it, we must conclude that on the whole it was as good a treaty as could have been expected.

Nevertheless, the treaty of 1850 is frequently said to be contrary to the established policy of the United States. This statement can be, and doubtless is, understood in quite different senses by different people. For that reason it will be well to examine it from several points of view. Considering the nature and purpose of the treaty, it would be quite natural to infer that it was antagonistic to the

* Ante, pp. 116, 117.
† Cong. Globe App. XXVII, p. 256; XXIX, p. 94.

policy of the Government respecting interoceanic transits. But we have already seen that such was not the case. The provisions of that instrument are in strict accord with the principles to which the Government had thus far adhered concerning isthmian canals and other means of communication.* Again, it is probable that the assertion is frequently made in the belief that the treaty establishes an alliance between Great Britain and the United States and is, therefore, contrary to the policy of this country. Viewed in that light, it might at first glance seem as though the charge was well founded. But a careful examination of the matter will show this to be essentially erroneous. True, it has been the general principle of our Government to avoid entangling alliances with foreign powers, and especially those of Europe. This practice originated in the early days of our national existence. The reason is obvious. The country had but lately emerged from the condition of colonial dependence, and had not yet recovered from the impoverishment resulting from the long war for independence. Besides, it was engaged in the experiment of establishing an efficient national government without restricting or destroying local autonomy. At the same time its isolated situation deprived it of all direct interest in the affairs of the Old World. Europe was already convulsed with the French Revolution, and it was unknown when or where that upheaval would end. Under those conditions it was eminently wise for the Government to hold aloof from all alliances with foreign powers. For a long time circumstances favored the continuance of this practice. For a quarter of a century Europe was torn by war, which continually threatened to extend to America. During that

*Cong. Globe App. XXVII, pp. 251, 268, 286.

long period the United States necessarily held aloof from alliances with the nations of that quarter. The strict adherence of the United States to that course for so long a time, coupled with the unquestioned benefits resulting from it, has created the impression that it was a fundamental principle of our national policy to avoid all alliances with other nations. But this is far from being the case. In the first place, it is to be observed that the practice was originated and persevered in for the express purpose of promoting the interest and welfare of the country. Under the existing circumstances, that was the only safe course to adopt. But it is not difficult to conceive of conditions under which the opposite would have been desirable or even necessary. Had one of the powerful and aggressive nations of Europe succeeded in establishing itself at some of the more important points along our borders, a proper regard for our national welfare might have required the formation of an alliance with one or more foreign powers.*

In short, the Government never has, nor can it ever, adopt a rigid and invariable policy respecting foreign alliances. Thus far it has been the general rule to abstain from entering into such arrangements with other nations. It is to be observed, however, that it has not been, nor can it be, the universal practice. It is the duty of the Government to protect the interests and promote the general welfare of the country. If this can best be done by refusing to enter into an alliance, the course to be pursued is clear. On the other hand, if circumstances seem to point to an alliance with a foreign nation as the most suitable means of protecting our interests or pro-

*In this connection it is interesting to recall Jefferson's famous remark about the United States marrying herself to the British navy should France establish herself at the mouth of the Mississippi River.

moting the national welfare, the Government would be justly censurable if it held aloof from such an arrangement.

Therefore, even if the Clayton-Bulwer treaty does establish an alliance between the United States and Great Britain it is not to be condemned on that account, as being contrary to the policy of the former. But it may well be doubted whether it does establish such a relation, at least in the sense in which the term alliance was understood by the fathers. The alliances of that time were for the most part, agreements binding the contracting governments to assist each other in time of war. The great objection to such an arrangement, from the American point of view, was the danger of involving the United States in a destructive war in which she could have no direct interest. The Clayton-Bulwer treaty, on the other hand, simply bound the United States and Great Britain to co-operate in the defense of a work which the former regarded as essential to the defense of her dominions and the proper development of her resources. Therefore, if it should ever involve the country in war, which was extremely improbable, the United States would necessarily have a direct and important interest at stake in the contest. Hence, the treaty of 1850 was neither contrary to the policy of the United States respecting foreign alliances, nor a radical departure from the general practice of the Government regarding such matters.

Finally, the Clayton-Bulwer treaty is most frequently condemned as contrary to the policy of the United States on the ground that it is incompatible with the Monroe Doctrine. But owing to the diverse senses in which that term is used at different times, and under different conditions, it will be necessary to arrive at some definite

conclusion as to what may justly be regarded as the Monroe Doctrine. This will best be done by referring to the circumstances under which it was proclaimed, the purpose it was intended to serve and the general practice of the Government with respect to it. The circumstances which called it forth are too familiar to require special mention here. Suffice it to say that the governments of Spanish America were menaced by the Holy Alliance in the interest of despotic rule and a design had been formed by, at least, one European autocrat to take possession of a large part of the unoccupied territory on this continent. Had these intentions been carried out, a large part of the continent would have been given over to despotic rule, and the United States brought into immediate contact with powerful and ambitious nations whose political systems were antagonistic to her own. Such a result must have been a serious blow to political liberty in America and a menace to the welfare of the United States. Therefore, it seemed desirable to check the further extension of European dominion on this side of the Atlantic, and especially that which could be accomplished only at the expense of the newly established republics. Accordingly, it was declared that the United States could not be indifferent to the overthrow of those states nor permit the further establishment of colonies on this continent by the powers of Europe. Evidently there were two motives which prompted this declaration; the desire to promote the interests of self-government on this side of the Atlantic and to provide for our own self-protection. In short, the Monroe Doctrine was proclaimed in the interest of political liberty and self-defense. Although the action of the Government respecting it has not been free from inconsistency, yet in general those are the objects for which it has been maintained and

enforced. Hence, notwithstanding the diverse and comprehensive constructions which the popular mind is prone to place upon that declaration, it is still to be understood as inhibiting the further extension of European dominion on this continent. More especially such as involves the injury or destruction of independent states or a menace to the peace and welfare of the United States.

If then the treaty of 1850 is incompatible with the Monroe Doctrine it must favor the extension of European dominion on the American continent. But does it do that? This question cannot be answered in a satisfactory manner without an examination of several provisions of that instrument. Naturally the one first to attract attention in this connection is the one relating to the occupation of, or exercise of dominion in, Central America. As this provision bound Great Britain to forego the occupation or colonization of any part of that region, it was in strict accord with the Monroe Doctrine. Indeed, it provided for an effective application of that doctrine to a large part of the American continent. Nor is this conclusion altered by the fact that the provision which placed these restrictions upon Great Britain also debarred the United States from obtaining dominion in Central America. It was not the purpose of the Monroe Doctrine to reserve this whole continent for the United States. That idea is completely at variance with both the letter and the spirit of that doctrine. Conceived in the interest of political liberty and self-protection, the Monroe Doctrine was not designed to promote the aggrandizement of the United States. Neither was it proclaimed in the spirit of merely hostile opposition to the ambitious autocrats of Europe. It was prompted by a generous regard for our sister republics and a desire to promote the security and welfare for our own institutions. Beyond

that it did not seek to go. Hence, a mere agreement on the part of the United States to forego the colonization of a particular part of the continent is not inconsistent with the Monroe Doctrine. Therefore, the Clayton-Bulwer treaty is not to be condemned as contrary to that doctrine simply because it prevents the colonization of Central America by the United States.

But the treaty clearly recognizes the right of both of the contracting parties to maintain protectorates over, or alliances with, any state or people of Central America. At first it might seem as though this was equivalent to permitting the occupation of that region or the exercise of dominion there, and therefore contrary to the Monroe Doctrine. Doubtless that would be true if they were allowed to maintain such relations without restrictions. But such is not the case. Under the terms of the treaty, the alliances and protectorates were necessarily subject to the stipulation that neither one of the contracting parties should occupy Central America or exercise dominion within it. Hence, while Great Britain might sustain the relation of an ally or protector to any state of Central America, she could not, on that account, occupy or control any part of the country. Consequently, the recognition of the right to maintain alliances and protectorates under the restrictions imposed was not essentially antagonistic to the Monroe Doctrine.

Finally, the treaty recognizes the right of Great Britain to a share in the control of the isthmian transits. But it is to be observed that the treaty neither created that right nor bestowed it upon her. By virtue of her position in Central America, Great Britain was already in possession of that right. Whatever may be said of the validity of England's claims in that region, the fact remains that she was in control of a large part of the

territory that must be traversed by any means of transit that could be opened across the isthmus.* As the possessor of jurisdiction there she necessarily held the right to dictate the terms upon which a canal or other means of communication might be opened. Moreover, that right must remain with her till she either voluntarily relinquished it, or was forced to surrender the territory to which it inured. But it may well be doubted whether a strict adherence to the principles of the Monroe Doctrine required the forcible extinction of British pretensions in Central America. Many of the claims upon which those pretensions rested were in existence long before that doctrine was proclaimed, and it expressly disavowed all purpose of interfering with existing rights and possessions of European powers on this continent. Consequently, there are strong grounds for holding that the British pretensions in Central America had long been maintained, and were then existing with the sanction of that doctrine. This conclusion is confirmed by the course of the Government. For more than a quarter of a century after the Monroe Doctrine was proclaimed, Great Britain had maintained her claims and exercised more or less dominion in Central America without protest or remonstrance from the United States.† Therefore, the recognition of a right that arose directly from those claims and pretensions cannot be regarded as in contravention of that doctrine. But that is all that the Clayton-Bulwer treaty really did. Hence, it cannot be regarded as contrary to the Monroe Doctrine because it recognizes the right of Great Britain to a share in the control of the isthmian canal. The injustice of that charge will become more manifest when it is recollected

* Ante. pp. 47, 48.
† Ante p. 149.

that the treaty materially limited the rights and privileges which Great Britain could have claimed with respect to the passage. In place of the full control which she might have insisted upon, the treaty merely recognizes her right to an equal share with the United States in determining the status and regulation of such works.

Thus there is little ground for holding that the treaty of 1850 is antagonistic to the Monre Doctrine. Whatever else may be said of the treaty, it certainly did not provide for an extension of British dominion on this continent. On the contrary, it required Great Britain to abstain from colonizing a large part of America and to withdraw from extension tracts already under her control. Furthermore, it restricted her right to form and maintain alliances and protectorates in that quarter so that they could not afford a ground for occupation or dominion. Finally, in place of allowing her full control of the interoceanic transits, that instrument merely recognized her right to an equal share with the United States in that matter. In short, the treaty of 1850 makes no provision for the confirmation or extension of British dominion on this continent, while it precludes the possibility of England's acquiring dominion in a large and important part of North America. Hence, so far is the Clayton-Bulwer treaty from contravening the Monroe Doctrine, that it provides for an effective application of that policy throughout Central America. Thus it appears that the treaty was in harmony with the general policy of the United States Government respecting interoceanic canals, foreign alliances and the Monroe Doctrine also. If that is not the case now, it is due to the change of attitude regarding the control of the isthmian waterways, or a great development of the Monroe Doctrine.

In view of the conclusions we have reached concern-

ing the charges against the treaty of 1850, there seems to be no justification for the assertion that it was a betrayal of American interests. On the contrary, it made provision for their security and promotion. At the same time the interests of Great Britain were properly recognized without an undue subservience to them. Indeed, there is reason to believe that the Clayton-Bulwer treaty was a fairly just and equitable arrangement between the two parties. Nevertheless it is undeniable that it has been the subject of numerous and prolonged controversies between Great Britain and the United States. How to account for this in the face of the facts we have thus far brought out, is the problem that now confronts us.

Attention has already been called to the anomalous condition of affairs in Central America when the treaty was concluded.* Unfortunately that was not, and could not be, materially affected by that instrument. Neither could the Clayton-Bulwer treaty, or any arrangement of that nature, cause a complete and immediate revolution in the feelings of Great Britain and the United States toward each other. Their mutual jealousy, which had been gathering strength for generations, still remained and time alone could remove it. The two powers, therefore, continued to watch each other's movements with the most intense suspicion and distrust. This was especially true with regard to Central America, which, for some time past, had been the principal theatre of their rivalry. But owing to the distracted state of that country, Great Britain found it difficult, if not impossible, to effect a satisfactory settlement with Nicaragua and other states regarding the subjects of dispute between them and her. So long as those matters remained unadjusted, it was impossible for

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*Ante pp. 128-130.

Great Britain to withdraw from the Mosquito Shore without the loss of national honor and the sacrifice of important interests. She, therefore, retained possession of San Juan and maintained her protectorate over the Mosquitos. The British-Mosquito government at Greytown (San Juan) was continued in all its vigor. This was a source of considerable annoyance to the Americans of that region, and soon led to a clash of authorities.* This precipitated the first controversy between the two governments regarding the Clayton-Bulwer treaty.† The United States insisted that under the terms of that instrument Great Britain had no right to maintain the Mosquito protectorate or exercise any jurisdiction in Central America. Therefore, the continued occupation of Greytown was in direct contravention of the treaty.

Great Britain, on the other hand, contended that the treaty in no way interfered with the relations subsisting between her and Central America at the time of its conclusion. The dispute, once begun, continued almost without interruption for nearly a decade. As time passed, both governments took more and more radical ground concerning their respective rights under the terms of the convention. There was, however, a difference in the two cases. Owing to the peculiar relation in which Great Britain stood to Central America, it was easy for her to translate her theory regarding the treaty into action, or, more correctly, difficult for her to avoid it. The United States, on the other hand, found it impossible to carry her interpretation into actual practice. The result was a long series of acts on the part of Great Britain that were in direct violation of the convention according to the American interpretation, and a number of demands on the

*Ante p. 134.
†Ante pp. 135-136.

part of the United States that were wholly unwarranted according to the British construction of the treaty. It was in consequence of these diverse constructions of the treaty and the acts or demands based upon them, that the two governments were led into controversy regarding that instrument. As these interpretations have already been discussed, we need not consider them at length in this connection. What is of more importance at this time is the fact that the Americans have long held and now maintain that Great Britain violated, and still continues to violate the treaty of 1850 and that, in consequence of these violations, the United States is released from the obligations of that instrument.*

Owing to the prevalence of these views and the persistence with which they are urged, some space will be given to a consideration of them. As already indicated, if Great Britain has violated the treaty, such violation is not confined to a single act. On the contrary, there was a long series of acts affecting different localities and covering a considerable period of time. Besides, there is something akin to an orderly development in her course of action respecting the different parts of the country where she claimed the right of exercising authority or influence. Owing to this, and the distinct character of relations which she sustained to these different localities, it will be well to consider each one separately. Naturally the first of these to claim attention is the Mosquito Shore, including Greytown or San Juan. After the conclusion of the treaty, Great Britain retained possession of the latter and exercised more or less dominion there. Although this was done in the name of the Mosquito King, it was notorious that the government of that port was

* Sen. Ex. Doc. 78, Pt. 3, 1st Sess. 47th Cong., p. 6. Sen. Reports No. 1121, 1st Sess. 46th Cong., p. 4. Cong, Record, for 1894-5, on Nicaragua Canal discussion.

essentially British in its personel and methods of administration.* Moreover, it was dependent upon Great Britain for the power to enforce its regulations. To what extent British interference in the affairs of that region was carried is well illustrated by the Prometheus affair, which occurred more than a year after the conclusion of the Clayton-Bulwer treaty.† In that case the municipal authorities of the town called upon the British consul for assistance to enforce the collection of port dues from an American steamer. That official promptly directed a British ship-of-war to detain the steamer till the port dues were paid, and the order was enforced at the cannon's mouth.‡ The act was formally disavowed by Great Britain, but at the same time she boldly announced her purpose to sustain the existing authorities at Greytown and prevent its occupation by Nicaragua.§ She, therefore, not only continued to occupy the place, but virtually governed it for several years thereafter. As a matter of fact, her occupation of it did not cease till after the conclusion of the treaty at Managua, in 1860, when the port and town of San Juan were restored to Nicaragua.‖

The first article of the Clayton-Bulwer treaty, however, distinctly stipulated that neither one of the contracting parties should occupy or exercise dominion in any part of Central America. But here we find Great Britain doing one or both of these at San Juan for many years after the conclusion of that convention. Hence, whatever may be said in defense of this course, in consequence of the anomalous conditions in Central America at that

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*Sen. Ex. Doc. 3, 1st Sess. 34th Cong., p. 2. Ibid., No. 20, 3d Sess. 53d Cong. p. 127. Wharton's Digest, III. p. 36.

†Sen. Ex. Doc. 30, 1st Sess. 32d Cong., pp. 1-9. British Blue Book on Cent. Am. Affairs for 1856, pp. 102 et seq.

‡Ibid., pp. 103, 113.

§Ibid., p. 127.

‖Sen. Ex. Doc. 20, 3d Sess. 53d Cong., p. 127.

time or the unwarranted demands of the United States, the fact remains that Great Britain by occupying and exercising dominion at Greytown, acted in plain contravention of the treaty. True, British authorities have strenuously denied that this action on her part was contrary to the terms of the treaty. The real purpose of the treaty, they say, was to provide for the construction and protection of an unobstructed waterway or other means communication, across the isthmus; it was not intended to interfere with existing British claims in Central America. Moreover, it was prospective in character and, therefore, could not affect the conditions then prevailing.*

Unquestionably this view is sound so far as it relates to the real purpose of that instrument. But it does not follow that the treaty was not intended to, and did not affect the existing claims of Great Britain in that quarter. In the first place, it is to be observed that if it had not been for the pretensions of Great Britain in Central America, there would have been no necessity for a treaty with her regarding the opening of such a passage. The existence of British claims in behalf of the Mosquito King was an insurmountable obstacle to the opening and maintenance of an unobstructed transit by the United States. It was for the purpose of removing that obstacle that the negotiations were opened with the British Government which finally resulted in the conclusion of the Clayton-Bulwer treaty.† If then the treaty left the British claims intact and unmodified, it failed to make any real provision for the accomplishment of the object for which it was concluded. Great Britain was still in possession of the key to the most feasible route for such a work and able to control all others. To what purpose

* British Blue Book, on Cent. Am. Affairs, for 1856, pp. 270, 271, 294.
† Sen. Ex. Doc. 27, 2nd Sess. 32nd Cong., pp. 13, 24-34.

then, did the treaty prohibit the occupation or colonization of any part of Central America in the interest of free communication, if Great Britain was to be left in a position to command any or all suitable routes for a transit. Surely, she might have occupied or colonized the whole isthmus without materially strengthening her hold upon these routes. Hence, while it is undeniable that the primary object of the treaty was to provide for the construction and security of a free passage, it nevertheless affected the British pretensions in Central America.

This conclusion is also sustained by the language of the instrument itself. It explicitly stipulated that neither one of the contracting parties should occupy the Mosquito Coast or any part of Central America. But when this arrangement was made Great Britain was already occupying a considerable portion of Central America including the Mosquito Shore. Under those circumstances an agreement not to occupy was equivalent to a promise to withdraw from such occupation. Finally, we have the testimony of at least one British Foreign Secretary to the effect that it was the purpose of the Clayton-Bulwer treaty to modify the relations of Great Britain with the Mosquito Shore and all Central America.* In view of these considerations there appears to be no ground for asserting that the treaty did not interfere with the British claims in Central America, or that it was merely prospective in its operation. Such being the case there is no escape from the conclusion that by continuing to occupy San Juan and exercise dominion there Great Britain did violate treaty of 1850.

But the proceedings in connection with Greytown constitute only a small part of what Great Britain did in

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* British Blue Book, for 1856, on Cent. Am. Affairs, p. 204.

the name of the Mosquitos, that was contrary to the Clayton-Bulwer treaty. Although the treaty of Managua in 1860 put an end to the occupation of Greytown, it was quite otherwise with all that portion of the Mosquito Shore set apart for the use of the Indians. Within that region they were to have the privilege of governing themselves, under the sovereignty of Nicaragua, according to their ancient customs and usages.* Taking advantage of this provision the foreigners of the Coast—mostly British subjects—assumed control of that region. They established a government at Bluefields and ruled the reservation according to the usages of civilized nations. Little or no attention was given to the interests of the Mosquitos or the sovereign rights of Nicaragua in that quarter. To what extent the rights of that Republic were ignored is shown by the refusal of the so-called Mosquito Government to allow the enforcement of Nicaragua's treaty obligations within the reservation.† This of course was done in the interest of the alien element of the Coast who controlled the Government. Such a state of affairs naturally led to considerable friction with Nicaragua. Her protests and remonstrances, however, were of no avail since the alien Government of the Coast was supported and upheld by Great Britain. The lengths to which British interference in the affairs of that region were carried may be gathered from the following examples. By 1879, Great Britain had gone so far as to deny the right of Nicaragua to full sovereignty in the Mosquito Reservation, and so persistently was this attitude maintained that Nicaragua was finally induced to submit the question to the arbitration of the Emperor of

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* British Blue Book on Cent, Am. Affairs, for 1860, p. 316.
† For. Rel., 1893, p. 164.

Austria.* Again in 1888, the British Government boldly asserted that Nicaragua had no right to any jurisdiction in the affairs of the Mosquito country† and refused to permit her to establish post-offices or arsenals within the Reservation.‡ Finally, as late as 1893 Great Britain compelled the restoration of the so-called Mosquito authority at Bluefields and subsequently undertook to establish a provisional government there.§

From this it is evident that Great Britain was very active in her interference in the affairs of that region. As a matter of fact, this interference had been practically continuous since the opening of the century. From 1860, it had been carried on through the instrumentality of an alien government in the reservation. This government, which was essentially British in its constitution and methods of procedure, ruled in the interest of the British and other foreign elements of the Coast. At the same time it persistently ignored the rights of Nicaragua and neglected the welfare of the Mosquitos. Thus it appears that Great Britain had continued her protectorate of the Mosquitos despite her agreement to withdraw it within three months after the conclusion of the treaty of Managua in 1860. Nor is that all. The maintenance of an essentially British government of the Mosquito reservation, together with the frequent and energetic interference in derogation of Nicaraguan sovereignty, was a virtual occupation of that region and a clear exercise of dominion over it. But such proceedings were expressly forbidden by the Clayton-Bulwer treaty. Great Britain, therefore, violated that instrument by the course she pursued with

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* Wharton's Digest, III, p. 34. For. Rel., 1893, p. 317
† For. Rel., 1888, p. 768.
‡ For. Rel.. 1888, p. 768. 1893, p. 317.
§ Sen. Ex. Doc. 20, 3rd Sess. of 53rd Cong., pp. 53, 54.

respect to the Mosquito Coast. Moreover, as her interference was kept up till the reincorporation of the Mosquitos into the Republic of Nicaragua in 1894, her violations of that instrument did not cease till that time.*

In justification of these acts it has often been urged that the treaty sanctioned the maintenance of the Mosquito protectorate and, therefore, Great Britain had a right to interfere in the affairs of the reservation. In a sense this is unquestionably true. The treaty of 1850 did authorize the continuance of the Mosquito protectorate, and thus afforded some justification for British interference in the Mosquito affairs under certain contingencies. But it did not authorize the occupation of that region, nor the establishment of an alien government over it. In other words, while Great Britain was at liberty to continue her protectorate over the Mosquitos, she was bound to abstain from occupation of, or dominion in, any part of Central America.† But by establishing and maintaining the so-called Mosquito government, she not only occupied a considerable part of Central America, but exercised dominion over it also. Furthermore, this course of action was kept up for more than thirty years after the conclusion of the treaty of Managua, which required her withdrawal from the Mosquito protectorate within three months. But it will be recollected that this treaty was accepted by the United States as a satisfactory settlement of the Clayton-Bulwer controversy regarding the Mosquito question. Thus, by her continued interference on the Mosquito Coast, Great Britain not only violated the provisions of the Clayton-Bulwer treaty, but failed to fulfill her treaty obligations to Nicaragua also.

When the treaty of 1850 was concluded, the Bay

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* Ibid., pp. 204-207.
† Treaty of 1850, Art. I.

Islands were occupied by Great Britain. This occupation was continued till July, 1852, when those islands were erected into a British colony.* Of course, this was denounced by the United States as a flagrant violation of the treaty. The British Government, however, denied the charge and justified its action upon two grounds. In the first place, it was contended that those islands were already in possession of Great Britain when the treaty was concluded. Therefore, since that instrument was prospective in its operation, she was not required to withdraw from those islands. In the second place, it was urged that the Bay Islands constituted one of the dependencies of Belize and of a consequence were exempted from the treaty provisions by the declarations of Messrs. Clayton and Bulwer. For these reasons Great Britain was under no obligation to abandon the Bay Islands, and their colonization was a mere change in the form of government, which could not be regarded as an infraction of the Clayton-Bulwer treaty.† Upon these grounds the possession of the islands was continued till 1859. But we have already shown them to be untenable.‡ Therefore, there is no escape from the conviction that Great Britain violated the treaty by her conduct respecting the Bay Islands.

In some respects the case of Belize is the most striking illustration of the British infractions of the convention. Great Britain not only retained possession of it after the conclusion of the treaty, but in addition claimed and exercised dominion over a large tract of adjoining country. Finally, in 1862, Belize and the adjacent district were converted into a full British colony under the name of

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*Sen. Rep. 407, 2nd Sess. of 32d Cong., p. 2.
†Brit. Blue Book on Cent. Am. Affairs for 1856, pp. 273-275.
‡Ante pp. 169-171.

British Honduras. With the exception of the last, these proceedings called forth energetic remonstrances from the United States. The British Government, however, vigorously defended its action. Much reliance was placed upon the theory that the country was conquered by Great Britain in 1798.* Since that was the case and the treaty was prospective in its operation, the continued occupation of that country did not constitute an infraction of that instrument. Again it was contended that British Honduras was exempted from the operation of the treaty by the declarations made by the negotiators at the exchange of ratifications.†

With regard to the grounds upon which the British based their defense, it is to be noted that we have already shown the first to be entirely untenable, and suggested some reasons for doubting the validity of the other also.‡ But owing to the peculiarities of the case, and the implicit reliance which British writers place upon that argument, it may be well to give some further consideration to the matter. At the outset it may be granted that the negotiators did not intend to make the treaty applicable to Belize or British Honduras. But no matter what their intentions were, the fact remains, that they did form an agreement whose provisions were clearly applicable to that region. Had it been otherwise, there could have been no reason for the British Government's desiring the exemption of Belize from the operation of the convention. That intrument, having been agreed upon, was ratified by the two governments, not upon the intentions of the negotiators but upon the language and plain import of its provisions. This having been done, could the negotia-

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* British Blue Book, on Cent. Am. Affairs, for 1856, pp. 273, 274.
† House Ex. Doc. 1st Sess. 34th Cong., Vol, I, pp. 89, 92.
‡ Ante, pp. 12—Note, 164-166.

tors then upon the simple declaration of what their intentions were, prevent the treaty from becoming operative within an extensive region to which its language and content made it clearly applicable? Certainly not. If they possessed such power, what need of ratifying the treaty at all? Surely, if the United States representative could exercise such power, upon his own responsibility and without the knowledge of the Senate, that body really had no authority to say what obligations the United States would assume, under the form of treaty stipulations, or even, how long foreign powers should be held by their agreements with her. In fact, those matters would be left to the determination of those who happened to represent her in the negotiation of a treaty. But the absurdity of that is too apparent to call for comment. If a treaty is to undergo modification, or have the scope of its application limited after it has been ratified, such modification must be made with the assent of the ratifying body. Otherwise there would be no valid reason for ratifying the treaty in the first place.

Consequently, the Clayton-Bulwer treaty was not, and could not be, affected by any statement or declaration which the negotiators made subsequent to its ratification. That treaty, therefore, possessed the same scope of application after the declarations were made as before. That such would be the case was plainly understood by the negotiators themselves. Moreover, the British Government knew that the United States would not and, indeed, could not admit that a modification of a treaty made by the declaration of an envoy or negotiator, without the knowledge or consent of the Senate, was binding upon her. When the Clayton-Bulwer treaty was concluded less than two years had elapsed since that government had received official information to that effect from

the United States respecting an entirely distinct case.* Therefore, the declarations of Clayton and Bulwer regarding British Honduras affords no real justification for the continued occupation of Belize by Great Britain.

But the matter may be considered from a different point of view. Granting that the declarations were binding and Belize, therefore, exempt from the operation of the treaty, there is still reason for holding that Great Britain acted in contravention of that instrument. In order to make this clear it will be well to recall briefly the actual condition of affairs respecting Belize at the time the treaty was concluded. There was then a British settlement on the borderland between Mexico and Central America which had long been designated by that term. The status of this settlement had been established and its limits fixed by treaties with Spain, before the close of the eighteenth century.† In addition to this settlement, Great Britain also claimed a large tract of country adjacent to it, but lying within the limits of Central America. Her right to it had not only never been recognized by any power, but had long been bitterly contested by Guatemala.‡ Moreover, it was the existence of this and similar British claims that prevented the opening of a free waterway across the isthmus. Finally, it was the attempt to secure the removal of the obstacle of British pretensions that led to the conclusion of the Clayton-Bulwer treaty.§ Holding these facts in mind we may undertake to determine what the declarations of Clayton and Bulwer really covered. Was it the whole region in the vicinity of Honduras Bay claimed by Great Britain

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* Cong. Globe, XXIX, pp. 91, 92.
† Ante pp. 9, 10.
‡ Sen. Ex. Doc. 27, 2nd Sess. of 32nd Cong., pp. 3, 10.
§ Ibid., pp. 31, 34. House Ex. Doc. 75, 1st Sess. of 31st Cong., p. 8.

or only Belize proper, i. e., the region within the limits fixed by the Spanish treaties of 1783 and 1786.

In view of the considerations just mentioned one would naturally expect the American negotiator to have restricted the exemption from the treaty within the narrowest possible limits. Moreover, it would be nothing more than rational and businesslike to confine those exemptions to regions of recognized status, fixed area and well defined boundaries. To have done otherwise would have been equivalent to giving Great Britain a free hand in occupying and controlling an indefinite area to which she had no valid title or claim. Furthermore, such an arrangement would have made it possible for her to expand her claims to almost any extent she might have desired. In that case the treaty would have been practically worthless to the United States. Whatever may be said of Mr. Clayton's action in connection with the treaty, it is inconceivable that he was so short-sighted or destitute of patriotism as to betray the interests of his country in that manner. Had he wished to do that he could, and doubtless would have accepted Bulwer's declaration without protest or modification. But he positively refused to do that, and only consented to receive the British declaration on condition that Bulwer should accept a counter one from him.* But why should he insist upon such an acceptance if he did not intend to limit and modify the application of the British declaration? As it is impossible to suggest any other valid reason, the conclusion is unavoidable that this was his purpose.

But having determined to limit the application of that instrument, the natural course would have been to restrict it to Belize proper or the region defined by the

* Cong. Globe, XXIX, p. 29. Cong. Globe, XXXIV, p. 75.

Spanish treaties. There are a variety of reasons for holding that this is exactly what he did. In the first place it is to be noted that almost at the beginning of the negotiations for the treaty, Clayton had offered to raise no objection to Great Britain's continuing to occupy those regions set apart by the Spanish treaties providing she would withdraw from all the rest of Central America.† Besides, as we have already seen, Clayton's declaration, itself, contains some very positive evidence that he purposed to exempt only Belize proper from the operation of the treaty. It not only states that the treaty was intended to and did apply to all the states of Central America with their just limits and proper dependencies, but specifically mentioned the small islands in the vicinity of Belize as dependencies of that settlement. As the states of Central America possessed all the territory lying between Mexico and New Grenada, and the islands referred to were those mentioned in the Spanish treaties, there would seem to be no escape from the conclusion that it was Belize alone that Clayton intended to exclude from the operation of the treaty. This conclusion is confirmed by the fact that the United States had persistently denied Great Britain's claim to all other portions of Central America. Under those circumstances Bulwer's unconditional acceptance of the American declaration was a plain acknowledgement that nothing but Belize proper was excluded from the operation of the treaty of 1850. Hence, the occupation and control of a considerable portion of Central America in addition to that district was nothing less than a plain violation of the Clayton-Bulwer treaty. Thus it appears that Great Britain had violated the treaty with respect to

†Sen. Ex. Doc. 27, 1st Sess. of 31st Cong., p. 30.

every part of Central America where she either claimed or exercised control at the time of its conclusion.

In the light of these facts one would naturally suppose that the United States had long since been released from the obligations of that instrument. Nevertheless there are reasons for doubting the correctness of that view. If the United States had pursued a consistent course with respect to the treaty, there could be no question regarding her release from its engagements. But her action regarding it has been far from consistent. At times the Government had placed constructions upon the treaty that were wholly unwarranted by its provisions. At others it has countenanced projects that were absolutely incompatible with the spirit, if not the letter, of the treaty. But in no instance is this inconsistency so marked as in the action of the Government respecting the British violations of the convention. For years it denounced Great Britain's disregard of her obligations under that instrument. Nevertheless, during that time little was done toward securing the enforcement of the treaty and nothing for its annullment. The fact is that, notwithstanding the repeated and long continued infractions of the convention by Great Britain, the United States persisted in recognizing it as still in force. The reason for this will become apparent upon a moment's reflection. The United States was anxious to prevent the further extension of British dominion in Central America and the Government, therefore, was unwilling to abandon anything that would be of service in resisting the advance of England in that quarter. The treaty of 1850 appeared to be a suitable instrument for that purpose. The Government, therefore, clung to it and constantly referred the British Government to its provisions whenever there seemed to be danger that British dominion would be ex-

tended. That the treaty of 1850 was thus serviceable can hardly be doubted. For although Great Britain persisted in disregarding some of its provisions, she did not ignore the treaty altogether. Hence, it was an effective check upon the extension of British dominion on the isthmus. Such, in brief, was the condition of affairs respecting the Clayton-Bulwer treaty throughout the greater part of the decade from 1850 to 1860. Great Britain constantly acted in contravention of some of its most important provisions, while the United States denounced her conduct, but refused to abandon the treaty. Thus it is evident that during the period when the British violations of the treaty were the most flagrant, the United States still looked upon the convention as a serviceable instrument to her. She, therefore, benefited from it during that time, despite the failure of Great Britain to fulfill all her obligations under it.

But even this does not give an adequate idea of the American inconsistency regarding the treaty. An example or two will serve to illustrate this point. For a number of years after the conclusion of the Clayton-Bulwer treaty the United States insisted that, under its terms, Great Britain was bound to withdraw from all her possessions in Central America, including a large part of British Honduras.* Nevertheless, when the Dallas-Clarendon treaty came up for consideration, no serious objection was made to the provision which expressly confirmed the right of Great Britain to that region. But when the controversy was subsequently re-opened, the United States again demanded the withdrawal of Great Britain from that territory, and maintained that position for a number of years.† At length, when England effected a settlement

* House Ex. Doc., Vol. I, pt. 1, 1st Sess. 34th Cong., pp. 44, 54, 110-113.
† British Blue Book on Cent. Amer. Affairs for 1860, p. 61.

with Guatemala which expressly recognized her title to British Honduras, the United States formally accepted the arrangement as a satisfactory adjustment of the Clayton-Bulwer controversy.* From that time till 1882 Great Britain continued to occupy and control that region without protest or remonstrance from the United States. During all that time the United States treated the convention of 1850 as still in force. In fact, she frequently fell back upon it as a means for checking the supposed aggressive designs of England in Central America. Indeed, nothing was heard of the voidable character of the treaty until 1882, when it presented itself as an obstacle to an American monopoly of the isthmian canals. When it became apparent that Great Britain would rely upon that instrument to defeat such a monopoly, the United States for the first time openly stated that the treaty had been rendered voidable by the British infractions of it.† But even then the claim was not formally sustained. But that is not all. Although Great Britain continued to occupy and control the Mosquito Coast till 1894, in plain contravention of the treaty, the United States did not choose to abrogate it.

Thus it appears that the conduct of the United States with respect to the treaty has been neither consistent nor free from fault. Despite her complaints regarding the British violations of it, the United States still recognized the treaty as in force. By so doing she clearly admitted that the convention was serviceable to her, notwithstanding England's failure to observe all of its provisions. In other words, the benefits derived from that instrument more than counterbalanced the injury occasioned by the British infractions of it. At length after disregarding

* President's Annual Message, 1860.

† Sen. Ex. Doc. 78, 1st Sess, 47th Cong., p. 6,

some provisions of the treaty for many years, during which time the United States continued to hold it binding, Great Britain withdrew from all her possessions and claims in Central America save British Honduras. And even there she retained possession with the full assent of the United States. Obviously this abandonment, which was made in order to satisfy the demands of the United States, involved the sacrifice of some important interests on her part. Moreover, the arrangements by which the British withdrawal from Central America was accomplished, were formally accepted by the United States as entirely satisfactory. Since her relinquishment of the Mosquito protectorate, Great Britain has faithfully observed all her obligations under the treaty.

In brief then the situation is this. Great Britain persisted in violating the treaty for many years. Nevertheless both parties held it to be binding. At length Great Britain conceded the more important demands of the United States, and went far toward making reparation for her infractions of the treaty by withdrawing from all of Central America save British Honduras. That was accepted as satisfactory by the United States, and for that reason she is estopped from claiming release from the treaty because of its previous violation by Great Britain. As that power has since faithfully observed her engagements under that instrument, it follows that the United States now has no reason to demand release from the treaty in consequence of anything that Great Britain has done. The Clayton-Bulwer treaty is, therefore, still binding upon the United States.

Incidentally we have already stated that the Clayton-Bulwer treaty has been of some service to the United States. But the nature and value of that service can only be realized when the results of the treaty are noted.

Undoubtedly the conclusion of the treaty was a potent factor in preventing a rupture between Great Britain and the United States, in 1850. The importance of preventing an armed conflict between those two powers at that time can hardly be overestimated. A war between the United States and Great Britain, growing out of their rivalry regarding Central America, must have resulted in incalculable loss to both without any substantial benefit to either. Besides, it is more than probable that their relations respecting Central America would not have been improved in the least as a result of a war. Furthermore, for some years after its conclusion the treaty furnished the principal basis for their negotiations regarding the settlement of the Central American controversy.

But these are far from being the only important services rendered by the treaty. When it was concluded Great Britain was in control, if not actual possession, of fully one-third of Central America.* Moreover, this territory was so situated as to give her command of every feasible route for a ship-canal or other interoceanic communication across the isthmus. There was also every prospect that the sphere of her influence in that quarter was to be extended. But the conclusion of the treaty produced a material change in the situation. With that event, the expansion of British jurisdiction in Central America came to an end. But even this does not tell the whole story. Whatever may be said of the Clayton-Bulwer treaty, it at least furnished the United States with the means for opposing the British pretensions to dominion there. Thus it played an important part in freeing all that region save British Honduras from English control.† And even there it was an influential factor in

*Ante p. 56.

†Lalor, Cyclopedia of Political Science, III, p. 948.

securing the establishment of definite bounds to her claims, and compelling her to confine her operations within them. Thus the treaty of 1850 has been of the greatest service in freeing Central America from British jurisdiction. True these results are not wholly attributable to the treaty. Nevertheless, it is altogether probable that they could never have been attained peaceably without it.

But it was not alone British designs upon Central America that were thwarted by the Clayton-Bulwer treaty. Americans also found it a formidable obstacle to their ambitious and aggressive schemes respecting that region. Unquestionably this is the secret of much of the hostility manifested toward the treaty during the first ten years of its existence. Without the convention, it is probable that the filibusters would have encountered much less opposition from the Government than they did. Had it not been for the restraint of that instrument, it is not impossible that the United States herself might have taken an active part in extending her dominion over Central America. What complications might have resulted from such an attempt can only be conjectured. Two things, however, are certain. Had any part of Central America been brought under the control of the United States at that time, there would have been a corresponding extension of African slavery, and she would have been forced to undertake the government of a comparatively large mongrel population totally unfit to govern itself. The establishment and maintenance of slavery in the midst of such a population would have entailed a very onerous burden upon the Government. Besides, the effectual control of a region devoted to that industrial system and with such a population as we have described would have necessitated the employment of means wholly inconsistent

with the principles upon which our institutions are founded and, therefore, inimical to them.

In view of these considerations, it is safe to say that one of the most important services of the Clayton-Bulwer treaty was the restraint which it placed upon the aggressive spirit of the Americans of that time. It helped to keep the Government from becoming directly involved in the various schemes for territorial aggrandizement at the expense of Central America, and that is equally true whether they originated in a desire for the fulfillment of Manifest Destiny or for the extension of African slavery. In fact, it is hardly too much to say that this particular service of the treaty was more valuable to the United States than the freeing of Central America from British dominion. But without pursuing the subject further, it is apparent that the Clayton-Bulwer treaty has rendered invaluable services to the United States. Indeed, few treaties have produced greater or more beneficial results than the convention of 1850.

But notwithstanding the great service of that instrument, it has been, and still continues to be, the object of bitter denunciation in the United States. Doubtless much of this hostility toward it is traditionary and owes its perpetuation to our long-standing jealousy of European interference in the affairs of this continent. But when due allowance has been made for the effect of this influence, there is much to be accounted for in the present opposition to the Clayton-Bulwer treaty. The remaining factor, however, is not far to seek. In order to promote the construction of a ship-canal across the American isthmus, the United States Government early adopted a policy respecting such works that was more liberal than the popular sentiment of the time sanctioned. The urgent demand for an interoceanic waterway created by the

acquisition of California, together with the reaction against the broad construction of the Monroe Doctrine, favored the development of that policy. Under those conditions the Clayton-Bulwer treaty was negotiated, and was, therefore, necessarily in advance of the time. Unfortunately, it continues to be in advance of the time, and for that reason is not in favor with the public. In fact, so strong is the opposition to the Clayton-Bulwer treaty that its abrogation is eagerly demanded by a considerable number of the American people. On the other hand, Great Britain is equally anxious for its preservation. Of course, this difference of opinion respecting the treaty grows out of the diverse views of the two nations regarding the control of the interoceanic passages. Under those circumstances, what is to be done with the treaty of 1850 becomes a question of paramount importance. Moreover, it is a question which turns upon the proper status for the isthmian canals. If it should appear that an exclusively American control of the canal is essential to the security of our national interests, and can be maintained without injustice to other nations, there could be no doubt about the propriety of seeking an honorable abrogation of the treaty. On the contrary, should it appear that the absolute neutralization of the canal through international agreement would be conducive to the interests of other nations without injury to the United States, it is equally certain that the treaty should be retained. Hence, a consideration of these matters becomes essential to a determination of what should be done with that instrument.

At the outset it may be boldly asserted that the demand for an American monopoly of the isthmian transits does not proceed from any hostile feeling toward other nations. Neither is it due to any desire on the part of the United States to promote her interests at the expense

of others. On the contrary, there is good reason to believe that it is the sincere wish of nearly all well-informed Americans that the communications across the isthmus should be available to all nations for mercantile and other peaceable pursuits. The demand for an exclusively American control of those passages is based upon a deep-seated conviction that it is essential to the preservation of the advantages which the United States now derives from her situation with respect to the other great powers of the world. In other words, the belief is quite general in this country that to open a maritime canal between the Atlantic and Pacific is to destroy the isolation of the United States and materially increase her exposure to attack from foreign powers. Hence, while Americans are not only willing but anxious that the great commercial advantages of a waterway across the isthmus should be available to all maritime nations, they fear that if such a channel were free from all restrictions it would constitute a serious breach in the defensive system of the United States. The problem then is to provide for the opening of a ship-canal between the two oceans without compelling the United States to sacrifice the advantages of her isolated position. Thus far but one solution has been offered, viz., to throw the canal open to the commerce of all nations, but allow the United States to possess full political and military control of the work. In other words, the United States is to have the right of erecting and maintaining fortifications which command the passage. If that were done, it is claimed, the United States might easily close the canal to an enemy and thus prevent its becoming a source of weakness to her natural defenses. Moreover, this might be done without seriously interfering with the rights or interests of other nations; since neutral commerce would be unobstructed and the interests of other nations in the

canal for purposes of defense are inconsiderable in comparison with those of the United States.* The demand, then, for an exclusively American control of the canal is made in self-defense, and if the premises upon which it is based are sound, there can be little doubt of its justice. But it may well be doubted whether they are sufficiently grounded in fact to justify such a monopoly of control.

In the first place, it is more than questionable whether the opening of a free waterway could justly be held responsible for the destruction of the isolation of the United States. The marvelous strides in the development of the means of communication, which the present century has witnessed, have already gone far toward the accomplishment of that result. And as time passes it is probable that more rapid progress in that direction will be made. The United States to-day is far less isolated than she was a century ago, and a hundred years hence she must of necessity be in much closer contact with other nations than at present. This is one of the inevitable results of modern commercial enterprise. So long as international commerce continues to grow, the nations of the earth must steadily come into closer relations. As this process goes on, there will be a more or less rapid destruction of the barriers which tend to isolate countries and peoples. With everything pointing toward a greater extension and broader growth of commerce, it is impossible that any important nation can long preserve even its present degree of isolation. Especially is that true of the United States. Holding as she does the first place as a commercial power in the New World, she must necessarily come into closer relations with all other powers. Be-

*See the Blaine and Frelinghuysen correspondence with the British Government, Sen. Ex. Doc. 1942, 1st Sess. of 47th Cong., pp. 174-203, Sen. Ex Doc. 26, 1st Sess. 48th Cong., pp. 2-11.

sides, the progress which eastern Asia is making in the adoption of western ideas and civilization indicates that the day is not far distant when our western shores will look out upon powerful nations imbued with the same spirit and aspirations as those of Europe. Indeed, it is not improbable that the more enterprising European nations will soon establish themselves upon the shores of the Pacific. In that event the United States will have to face Europe upon the west as well as upon the east. With such a prospect before her, it is idle to talk of maintaining the United States in isolation by giving her the right to close the isthmian transits. The very idea is repugnant to the whole course of modern progress, and any barriers which may be reared or maintained in the interest of isolation must go down before the forces that are making for civilization and fellowship among men. Hence, at the most, the opening of a free waterway across the isthmus could but slightly accelerate the approach of an inevitable result.

Neither does there appear to be any valid reason for supposing that the possession of fortifications commanding an interoceanic canal would be of any great advantage to the United States for purposes of defense. The difficulty of maintaining such works in that region would necessarily be very great, and it is probable that their only real service would be to close temporarily the channel to an enemy in time of war. If the banks of such a channel were lined with fortifications belonging to the United States, that fact could not assure to her the use of the passage in time of hostilities. It would be a comparatively easy matter for an enemy possessed of a stronger navy to close the entrances of the canal and thus render it useless to her when her need of it was greatest. Nor is that all. Under those circumstances it would be

an exceedingly difficult matter for the United States to long retain possession of the channel. Her ability to do that would depend upon the maintenance of regular communications with her garrisons in that quarter. But that would be practically impossible in the face of an enemy possessed of a superior navy. Furthermore, such an enemy might succeed in ousting the United States from the control of the canal and thus gain a great advantage over her. Hence, in a long contest with a superior naval power the control of the channel would give the United States no substantial advantage.

Moreover, it is by no means certain that the transit could be relied upon even in a contest with a power far inferior to her in military and naval resources. A narrow, artificial channel many miles in length, equipped with locks, dams and tunnels, would present so many points vulnerable to modern engines of offense, that it would be impossible for even the most powerful nation to make it secure against the attack of a resolute enemy. A few determined men supplied with modern appliances could easily inflict damages upon the canal that would render it useless for months or even years. And how is that to be prevented so long as the passage is kept open to neutral commerce, as the advocates of American control insist that it should be? How could neutral nations use the canal to advantage when it was in the possession of a belligerent? Evidently the military control of the canal would be of very little advantage to the United States for defensive purposes, while it would necessarily entail a heavy expense for maintenance. But that is not all. The possession of such a monopoly over one of the world's great commercial highways would inevitably arouse the suspicion and hostility of the leading maritime powers; and, in case of trouble with any one of them, the

canal would almost surely be the first point of attack. The adoption of the necessary measures on the part of the United States for maintaining possession of the canal would cause more or less interruption of neutral commerce and lead to complications with nearly all the great commercial nations. Moreover, the assumption of full control over the transit would necessitate frequent interference in the affairs of the isthmus and, perhaps, the resort to arms for its protection against the lawlessness of the inhabitants. The long continuance of that state of affairs would afford a powerful temptation for the United States to assume more or less dominion over the adjacent territory. Of course, that would lead to trouble with the states of Central America and probably others also. Thus it appears that the exclusive control of the isthmian channels would give the United States no substantial advantage, but, in all probability, would lead to serious complications with other nations.

Nevertheless, it cannot be denied that there are some important benefits to be derived from an exclusively American control of the passage. There can be no question as to the superiority of individual over joint control in all matters where prompt and decisive action is required. The efficiency and usefulness of the isthmian waterways would be greatly impaired if promptness and decision were wanting in the controlling authority. Owing to the character of the people inhabiting Central America, it is to be expected that any interoceanic communication through that territory will be exposed to frequent interruptions from their civil wars and revolutionary movements. The injury resulting from that cause would best be guarded against by clothing some one power with the necessary authority for meeting the emergency. For obvious reasons the United States is better qualified for that

task than any other great power. Doubtless such an arrangement would provide more efficient protection against injuries and interruptions from the Central Americans than any scheme for joint defense that could be devised. To that extent the interests of other nations as well as those of the United States would best be promoted by placing the canal under American control. In fact, if nations could lay aside their mutual jealousies, and the United States show herself to be absolutely incapable of entertaining ulterior designs against Central America, and also of making the canal an instrument for the furthering of ambitious schemes in other quarters, there could be no doubt that the interests of all would be promoted by giving her full jurisdiction over the transit.

But unfortunately, neither of these things can be done. In the fierce struggle for territorial dominion or commercial supremacy, in which all the leading nations are more or less involved, international jealousy must continue to play an important role in determining the attitude of different powers toward each other. Indeed, there are indications that so far as commercial matters are concerned that sentiment will probably become more intense as time passes. Neither have we any positive assurance that the United States would never become so susceptible to the influence of ambition, that she would not use her power over the isthmian passages for the extension of her own dominion and the selfish promotion of her individual interests. Especially is that true when, as we have already seen, the unsatisfactory condition of Central America would afford an excellent pretext and a powerful inducement for the extension of her jurisdiction over the territory in the vicinity of the canal. Nor have we any positive assurance that she would never make the transit an instrument for commercial retribution. Certainly, when

nations are accustomed to resort to discriminations in favor of their own industries, and even exclude foreign products from their dominions, there would be a strong temptation for the United States to make use of her caaln monopoly for retaliatory purposes. Yet such a course would inevitably lead to endless complications and difficulties without any corresponding benefit. Hence we must conclude that the advantages of an exclusively American control are far outweighed by the disadvantages. Therefore, such control is both impracticable and undesirable. Consequently, as the United States possesses many qualifications for that undertaking not found in any other great power, the idea of control by any single power should be abandoned. Moreover, there is reason to believe that substantially the same objections would lie against control by two or more nations combined, while it would not possess all the advantages which inure to that by a single power. Such being the case, there would seem to be no escape from the conclusion that the only practicable method of fixing the status of the isthmian waterways and providing for their protection is to neutralize them through the joint agreement of all the important maritime powers of the world.

Yet it is undeniable that there are some serious objections that might be urged against such an arrangement. But it is to be remembered that it is not a question of objections or no objections, but rather a question as to which method promises the best results, all things considered. At the outset it may be frankly admitted that the arrangement under consideration would most likely prove cumbersome and relatively inefficient in protecting the passages against interruptions from the lawlessness of the Central Americans. Yet it is undoubtedly free from the more serious defects which characterize the other

methods of control. Established by the co-operation of all the leading powers, the neutralization of the canal could give rise to very little international jealousy. So long as its provisions were faithfully observed, such an arrangement could produce no serious complications. But, on the other hand, should any power chose to disregard its obligations under the agreement of neutrality, it would thereby become guilty of a breach of faith and thus expose itself to such retribution as the other powers might choose to inflict. Therefore, there is little reason to suppose that the neutral character of the canal would be seriously disregarded by any important nation.

Nevertheless, from the American point of view, it might be objected that the absolute neutralization of the canal would afford no special protection to the interests of the United States. This at once raises the question whether any discriminations in favor of her interests are desirable. Of course, that will depend upon whether she possesses any important interests in the canal that would not be secure under the same regulations as conserved those of other nations.

This will best be determined by a comparison of the interests of the different powers in the canal. As a nation devoted to commerce and the peaceful arts, the United States is chiefly interested in the work as a free and unrestricted commercial highway. This is especially true since such a channel must also constitute an important part of her means for internal communication. On the other hand, all the leading maritime powers are primarily commercial nations. For that reason they desire a canal across the isthmus as a means of facilitating their mercantile intercourse with different parts of the world. But to satisfy that requirement the canal must be free from restrictions. In short, it must be made a great highway

for all nations without distinction, and the more secure the foundation upon which the freedom of the canal is based the better for all. Hence, so far as mercantile and industrial considerations are concerned, the interests of the United States in an isthmian waterway are not essentially different from those of other nations; the difference is one of degree and not of kind. Therefore, any arrangement that would permanently establish the isthmian canals as free highways would best promote the more important and enduring interests of the United States as well as those of other nations. Hence, so far as those particular interests are concerned, the United States could have no reason for claiming any discrimination in her behalf. Indeed, when the matter is viewed in the light of commercial considerations, it seems clear that the true course for all maritime nations to pursue with respect to an interoceanic canal is to seek the strongest possible guarantee for its absolute freedom and neutrality.

A more difficult question, however, is presented when the matter is considered from a military point of view. Here there is an essential difference in the case of the United States and any other great power. Devoted to the development of her resources through peaceful means, the United States has always been averse to the maintenance of large military and naval establishments in time of peace. Thus far the remoteness of her situation from the Old World and the peculiarity of her interests have favored the growth of this sentiment. But, as already stated, it is a very common belief that the establishment of a free waterway between the two oceans would materially weaken the defensive position of the United States with respect to the great powers of Europe. Hence, viewed from the military standpoint, the chief interest of the United States in the isthmian canal is to make it ser-

viceable as a means of defense. On the contrary, the other great powers must attach more importance to it for offensive operations. In that respect there is, therefore, an essential difference between the interests of the United States and those of the maritime world generally. This suggests the question whether the United States would not be justified in demanding some special arrangement whereby the advantages of the canal for defensive purposes would be permanently secured to her.

But before this question can be answered in the affirmative, it will be necessary to show that such an arrangement is essential to the defense of the United States and could be maintained without serious injury to other nations. The only method thus far suggested for securing to the United States the special benefit of the canal for defensive purposes is to grant her the full control of that work. But such a monopoly, we have already seen, could not materially enhance the defensive power of the United States. Furthermore, an exclusive monopoly of the channel could not be maintained without a serious interruption of commerce. Moreover, it is difficult to conceive of any arrangement for that purpose that would not be open to one or both of these objections. Consequently there appears to be no sufficient reason for any special discrimination in favor of the United States. This will be more apparent when it is understood that the real military importance of the channel is as a means of transportation. The more implicitly the transit can be relied upon for that purpose, the more efficiently will it promote the defense of the country. But implicit reliance can only be assured by establishing the neutrality of the channel upon a broad and enduring basis. And the best method of doing that is by an international agreement of neutrality that shall include all the leading powers of the

world. The more perfect the arrangement for preventing the canal's being made the scene of belligerent operations, the better for the interests of the United States, whether commercial or military. And the same may be said of all other nations, except such as are intent upon a career of conquest and subjugation. But it is to be hoped that the channel which shall one day unite the two greatest oceans of the world, will be dedicated to the interests of peace and friendly intercourse among the nations of the world. Indeed, it may be confidently asserted that the spirit of modern progress will never assent to giving up that passage to the barbarous purposes of selfish conquest. On the contrary, it will insist that any isthmian waterway that may be opened shall be made a highway for the ships of all nations.

But that is exactly what the Clayton-Bulwer treaty was designed to do. And there can be little doubt that such would be the result if its provisions were fully carried out. In view of that fact it is needless to say that the treaty should be preserved and its provisions fully executed according to their original intent. When that shall have been done, we may confidently look forward to the time when the valuable services of the Clayton-Bulwer treaty will be conceded, and that instrument will be recognized as the product of wise and patriotic statesmanship.